Diplomatic Relations of the
United States and Spanish America

—LATANÉ

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The Diplomatic Relations of the United States and Spanish America

THE ALBERT SHAW LECTURES ON DIPLOMATIC HISTORY

By the liberality of Albert Shaw, Ph. D., of New York City, the Johns Hopkins University has been enabled to provide for three years a series of lectures on Diplomatic History. These courses are given in the Department of History and Economics and are published under the direction of Professor Herbert B. Adams.

THE ALBERT SHAW LECTURES ON DIPLOMATIC HISTORY, 1899

The Diplomatic Relations of the United States and Spanish America

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PREFACE

This volume is based upon a course of lectures delivered by the writer in January, 1899. The chapter on the policy of the United States in regard to Cuba is reprinted with some slight alterations from the annual report of the American Historical Association for 1897. Certain parts of the same chapter also appeared in a modified form in the *North American Review* for March, 1898, under the title, " Intervention of the United States in Cuba."

The introductory chapter was added in order to give clearness to the main theme by means of a concise presentation of the prominent facts of the Spanish-American Revolution. No attempt has been made to cover the whole field of our diplomatic relations with Spanish America. Only the topics which illustrate the general principles of our policy have been chosen. The present volume is intended to serve as an introduction to the subject.

Since the body of this work has gone through the press a convention has been signed at Washington by Secretary Hay and Lord Pauncefote, in modification of the Clayton-Bulwer treaty. The new agreement provides for the neutralization of any canal that may

be constructed between the Atlantic and the Pacific oceans, and adopts as the basis of such neutralization the rules laid down in the treaty of Constantinople of October 29, 1888, in regard to the use of the Suez canal. This was the policy advocated by President Cleveland and urged in the fourth chapter of this volume.

In publishing these lectures, acknowledgment is due to Dr. Albert Shaw, editor of the *American Monthly Review of Reviews*, and founder of this lectureship; to Professor Herbert B. Adams, of the Johns Hopkins University, who first directed my attention to diplomatic studies and whose kindly counsel and encouragement have been of the greatest assistance. To Mr. Herbert Putnam, Librarian, to Messrs. David Hutcheson and A. P. C. Griffin, Assistant Librarians of the Library of Congress; and to Mr. Andrew H. Allen, Librarian of the State Department, my thanks are due for privileges accorded me and for valuable aid in prosecuting my investigations in Washington. Finally, I am indebted to Professor J. M. Vincent, of the Johns Hopkins University, for assistance in getting the volume through the press.

JOHN HOLLADAY LATANÉ.

LYNCHBURG, VIRGINIA,
March 30, 1900.

CHAPTER I

Introductory: the Spanish-American Revolt

The English colonies of North America renounced all allegiance to their sovereign more through fear of future oppression than on account of burdens actually imposed. The colonies of Spain in the southern hemisphere labored for generations under the burden of one of the most irrational and oppressive economic systems to which any portion of the human race has ever been subjected, and remained without serious attempt at revolution, until the dethronement of their sovereign by Napoleon left them to drift gradually, *in spite of themselves,* as Chateaubriand expressed it, into the republican form of government. To carry the contrast a step further, when the conditions were ripe for independence, the English colonies offered a united resistance, while the action of the Spanish colonies was spasmodic and disconcerted. The North American revolution gave birth to a federal republic, that of the South to a number of separate and independent republics, whose relations with one another have at times been far from amicable. The causes for these striking differences are to be explained not alone by race psychology, but by a comparison of the English and Spanish colonial systems and of the two revolutions as well. The history of the English colonies and of their revolt has been pretty well exploited, but information in regard to the Spanish-

American revolution and its causes, although the sources are unusually complete, is not easily accessible to English-speaking people.

By virtue of the celebrated Bull of Pope Alexander VI., the Spanish-American colonies were looked upon as possessions of the crown, and not as colonies of Spain. Their affairs were regulated by the king, with the assistance of a board called the Council of the Indies. This council, which was on a footing of equality with the Council of Castile, was established by Ferdinand as early as 1511, and was modified by Charles V. in 1524. It was to take cognizance of all ecclesiastical, civil, military and commercial affairs relating to the colonies. From it proceeded the so-called Laws of the Indies, and all colonial offices in the gift of the crown were conferred by it. In the course of time, however, the personnel of this council became merged with that of Castile, and for all practical purposes the colonies became dependencies of the Spanish nation.

There were from the first establishment of Spanish rule in America, two viceroyalties on the continent. The viceroy of New Spain ruled over Mexico and Central America, whilst all South America subject to Spanish control was for about two centuries under the viceroy of Peru. In regions too remote to be under his immediate control, *audiencias*, or courts of justice, were established, the president of the *audiencia* being known by the title of captain-general. Thus *audiencias* were established at Quito in 1542, at Charcas (in Modern Bolivia) in 1559, in New Granada in 1564, in Chile in 1568, and later at Caracas and at Buenos Ayres. In 1740, New Granada was raised to

the rank of a viceroyalty, with its capital at Bogota; and in 1776 the same dignity was conferred on Buenos Ayres. There were thus on the southern continent three viceroyalties widely separated; one on the Main, one on the Atlantic, and one on the Pacific.

The powers of the viceroy, or captain-general, as the case might be, were limited only by the *audiencia*, consisting of from three to five members, always of Spanish birth, whose functions were largely advisory, but who had the privilege of corresponding directly with the Council of the Indies, and who in case of emergency sometimes went so far as to depose the viceroy.

It should be borne in mind that in Spanish America the native Indian races were not driven beyond the frontier of civilization, as they were by the English settlers, but became, and remain to this day, an integral part of the population. There was thus in the Spanish colonies an unusual admixture of races. There were (1) European Spaniards; (2) Creoles, or children born in America of Spanish parents; (3) Indians, the indigenous race; (4) Negroes of African race; (5) Mestizos, children of whites and Indians; (6) Mulattoes, children of whites and negroes; and (7) Zambos, children of Indians and negroes.

The maladministration of Spain's colonies may be summarized under two heads: (1) acts of oppression against the native Indian race, and (2) regulations of a commercial and political character, which acted in restraint of the economic and social development of her own offspring in America.

Under the first head may be mentioned the *mita*, or forced labor in mines, farms and factories, and the

repartimiento, or *encomienda*, which was an allotment to Spaniards of territory including the native inhabitants as peons or vassals. In spite of humane restrictions placed by law upon them, these institutions degenerated into systems of fearful oppression, which led, in 1781, to the heroic but unsuccessful efforts of Tupac Amaru, the last of the Incas, to free the land of his fathers from the cruel rule of the Spaniard. So deep-seated was the dissatisfaction and so formidable the revolt, that it was suppressed only after two years of arduous effort on the part of the viceroy.

The economic and commercial restrictions imposed upon the colonies require fuller notice. The whole object of Spain's colonial policy was to extract gold and silver from America and to force Spanish manufactures and products upon that country. Commerce was confined to Spain and to Spanish vessels. "No South American could own a ship, nor could a cargo be consigned to him; no foreigner was allowed to reside in the country unless born in Spain; and no capital, not Spanish, was permitted in any shape to be employed in the colonies. Orders were given that no foreign vessel, on any pretence whatever, should touch at a South American port. Even ships in distress were not to be received with common hospitality, but were ordered to be seized as prizes, and the crews imprisoned."[1] As late as 1816, when the United States protested against the blockade established by General Morillo, as contrary to international law, M. Onis, the Spanish minister, replied that the object of the blockade was to maintain the laws of the Indies,

[1] Hall's Journal on Chili, Peru, and Mexico, 2 Vols. Edinburgh, 1824, Vol. I, p. 249.

which during the Napoleonic wars had been somewhat relaxed, adding: "You are aware that, agreeably to those laws, no foreign vessel was allowed to trade with the dominions of his majesty on that continent without a special license, and that vessels found near or evidently shaping a course towards them were liable to confiscation as interlopers." When, later in the year, a United States commissioner was sent to Cartagena to reclaim American vessels so seized, the Spanish viceroy gave him to understand that he did not pretend to be acquainted with the law of nations.[2]

Not only were the colonists prohibited from engaging in manufactures which interfered with those of Spain, but restrictions were even placed on agriculture in the interests of the Spanish producer. Thus the cultivation of flax, hemp, and saffron was forbidden under severe penalty; the cultivation of tobacco was not allowed; and grapes and olives could be raised only for table use, so that oil and wine had to be imported from Spain. Upon one occasion (in 1803) orders were sent "to root up all the vines in certain provinces, because the Cadiz merchants complained of a diminution in the consumption of Spanish wines."[3]

The carrying out of this commercial system in all its details was entrusted to the *Casa de Contratacion*, or House of Trade, which was located at Seville until 1717, when it was transferred to Cadiz. The India House, as it was called, was established by warrant of Queen Joanna in 1503.[4] To this house were to be

[2] Am. St. Pap., For. Rel., Vol. IV, pp. 156-9.

[3] Hall's Journal, Vol. I, p. 296. See also Rodney's report on South America, in Vol. IV, Am. St. Pap., For. Rel.

[4] A full history of the India House and an account of its regulations is given by Veitia Linage in his *Norte de la*

brought all merchandise for the colonies and all products from them of whatever character. The colonial trade was thus limited to one Spanish port. The affairs of the house were in charge of three commissioners or judges, who had jurisdiction, civil and criminal, over all cases arising out of the trade with America. Their authority was subordinated to no other court or council but that of the Indies.

Not only were no foreigners allowed to go to the Spanish colonies, but careful restrictions were placed on the movement of Spaniards to and from America. In 1511 King Ferdinand had by a special order permitted all subjects of Spain without distinction to go over to the Indies upon entering their names at the India House; but in the years 1518, 1522, 1530 and 1539 several orders were passed "that no person reconciled, or newly converted to our holy Catholic faith, from Judaism or Mahometanism, nor the children of such, nor the children or grandsons of any that had worn the St. Andrew's Cross of the Inquisition, or been burnt or condemned as heretics, or for any heretical crime, either by male or female line, might go over to the Indies, upon pain of forfeiting all their goods, of an hundred lashes, perpetual banishment from the Indies, and their bodies to be at the king's disposition."[5]

Contratacion, Seville, 1672; translated into English by Captain John Stevens under the title, *Spanish Rule of Trade to the West Indies*, London, 1702. Linage was for a number of years Treasurer and Comptroller of the India House. A good summary of the history and regulations of the House is given by Prof. Bernard Moses in his *Casa de Contratacion* in the Papers of the Am. Hist. Ass. for 1894, and in the third chapter of his *Establishment of Spanish Rule in America*.

[5] Linage, p. 107.

The commissioners might "grant passes to merchants to go over, or return if they came from thence, including married merchants, provided they have leave from their wives, and give 1000 ducats security to return within three years."[6]

There were also strict rules about passing from one province in America to another. This could not be done without special leave from the king.[7] "The inhabitants of the Indies may not come to Spain without leave from the viceroys, presidents or governors of the places of their habitation, in which they are to express the causes of their coming, and whether it is to stay here or return."[8] "In the Indies, the magistrates are directed to apprehend any persons they find are gone over without leave, to imprison them till they can send them back into Spain, upon pain of losing their employments."[9] In 1594 and 1602 it was decreed that persons going over without leave should be sent to the gallies for four years. In 1622 King Philip IV. decreed that a person simply going aboard a ship bound for the Indies without leave should be immediately sent to the gallies for eight years.[10]

In order to keep the trade strictly under control and to properly protect it, intercourse with the colonies was held only once a year. Two squadrons, consisting of merchant ships and convoys under command of an admiral and vice-admiral, made the trip each year. The fleet for New Spain (Mexico) sailed in the spring, and that for the mainland in the early fall. The first touched at some of the islands and then went to Vera Cruz; the latter touched first at

[6] Linage, p. 110. [7] Linage, p. 113 [8] Linage, p. 114.
[9] Linage, p. 109. [10] Linage, p. 109.

Cartagena and passed on thence to Porto Bello, where the fair was held about the middle of March. This fair was the great event of the year, and lasted forty days from the time of the arrival of the fleet. From this point goods were distributed by way of Panama to Peru, Chile, and even across the continent to Buenos Ayres. The gold bullion was sent in turn to this point by the viceroy of Peru. It came in fifteen days from Potosi to Arica, thence by sea in eight days to Callao, and in twenty days from Callao to Panama. The viceroy of Peru was to take care to have the plate at Panama by the middle of March. At Porto Bello it was taken aboard the galleons. About the middle of June the galleons met the fleet from New Spain at Havana, and from that point the two fleets with their convoys proceeded in greater safety to Spain. Thus for two centuries all intercourse between Spain and her colonies at one end of the line was limited at first to Seville, and then to Cadiz; and at the other to Vera Cruz and Porto Bello.[11] At a later period this arrangement was modified to some extent, and Buenos Ayres was made a port of entry.

While the relations of the colonies with Spain were kept under the strictest control, intercourse with foreign nations, although absolutely prohibited under the severest penalties, could not be entirely prevented. In speaking of Spain's restrictive policy, a British naval officer, who was on the South American station during the revolution, says: "Unfortunately, however, for that system, the South Americans, notwithstanding the network of chains by which they were enveloped, had still some sparks of humanity left, and,

[11] Linage, pp. 191-193.

in spite of all their degradation, longed earnestly for the enjoyments suitable to their nature; and finding that the Spaniards neither could nor would furnish them with an adequate supply, they invited the assistance of other nations. To this call the other nations were not slow to listen; and, in process of time, there was established one of the most extraordinary systems of organized smuggling which the world ever saw. This was known under the name of the contraband or forced trade, and was carried on in armed vessels, well manned, and prepared to fight their way to the coast, and to resist, as they often did with effect, the *guarda costas*, or coast blockades of Spain. This singular system of warlike commerce was conducted by the Dutch, Portuguese, French, English and latterly by the North Americans. In this way goods to an immense value were distributed over South America; and although the prices were necessarily high, and the supply precarious, that taste for the comforts and luxuries of European invention was first encouraged, which afterwards operated so powerfully in giving a steady and intelligible motive to the efforts of the Patriots in their struggle with the mother-country. Along with the goods which the contraband trade forced into the colonies, no small portion of knowledge found entrance, in spite of the increased exertions of the Inquisition and church influence, aided by the redoubled vigilance of government, who enforced every penalty with the utmost rigour. Many foreigners, too, by means of bribes and other arts, succeeded in getting into the country, so that the progress of intelligence was gradually encouraged, to the utter despair of the Spaniards, who knew no other

method of governing the colonies but that of mere brute force, unsupported by the least shadow of opinion, or of good will."[12] The trade carried on by foreign interlopers grew to such alarming proportions that before the middle of the eighteenth century Spain found it necessary to relax the restrictions upon the private trade of her own subjects. This led, about 1748, to the discontinuance of the annual fleets or galleon trade.

The political administration of the country was absolutely in the hands of Spaniards, who as a rule were not allowed to marry, acquire property, or form any permanent ties in America. In the summary of charges against Spain appearing in the Argentine Manifesto of 1817, one of the specifications is, that of one hundred and sixty viceroys who had governed in America, four natives of the country alone were numbered; and of six hundred and two captains-general, all but fourteen had been Spaniards.

The monopoly of Spanish trade in South America was partially surrendered by the treaty of Utrecht, signed in 1713, at the close of the War of the Spanish Succession. By this treaty England agreed to recognize Philip V. as king of Spain and the Indies, and in turn was granted the *asiento*, or contract for supplying the Spanish colonies with African slaves.[13] The importation of negroes into the Spanish possessions had been carried on under contract from the very first. The *asiento*, which had been previously granted to

[12] Hall's Journal, Vol. I, pp. 253-4.

[13] *The Assiento; or Contract for Allowing to the Subjects of Great Britain the Liberty of Importing Negroes into the Spanish America.* Printed by John Baskett, London, 1713.

Spanish subjects, was, in 1696, granted to the Portuguese Company of Guinea, and in 1702 to the Royal Guinea Company of France; but in 1713 England secured this lucrative monopoly and became the great slave-trading power of the world.

The *asiento* of 1713, which was very carefully drawn up in 42 articles, granted to an English company the sole right of supplying slaves to the Spanish West Indies and to South America for the period of thirty years from May 1, 1713. By it the Queen of England undertook to see that the company chartered by her should introduce into the Spanish West Indies, including South America, 144,000 negroes of both sexes and all ages within thirty years, at the rate of 4800 a year. The company was to pay a duty of 33⅓ pieces of eight (dollars) for each negro imported. In addition to the 4800 a year, other negroes might be imported at a duty of 16⅔ dollars each, thus encouraging larger importations. The negroes could be brought in either Spanish or English vessels, manned with English or Spanish sailors, provided only no cause of offence be given to the Catholic religion. The majority of the negroes were to be taken to Cuba and Porto Rico, and to the ports on the Main; but of the 4800, the company had the right to take 1200 to Buenos Ayres, 800 to be sold there and 400 to be carried to the provinces up the Plata and to the kingdom of Chile. They were also allowed to carry negroes across the isthmus from Porto Bello to Panama, and there re-ship them to Peru. Either Englishmen or Spaniards could be employed in the business, provided that there were not more than four or six Englishmen in any port, and that these should

be amenable to the laws in all respects as Spanish subjects. By no means the least remarkable provision of this treaty was that their British and Catholic majesties were each to receive one-fourth of the profits of this traffic.

Ships engaged in this trade were to be searched on arrival at port, and all merchandise found on board was to be confiscated and heavy penalties inflicted. On condition, however, that the company should not attempt any unlawful trade, his Catholic Majesty granted them the privilege, during thirty years, of sending annually a ship of 500 tons to the fair at Porto Bello. The Spanish king was to be concerned one-fourth in the profits.[14] It seems that the company stretched this privilege to the utmost. The ship always stopped at Jamaica, took on all the goods she could, and carried along with her five or six smaller vessels laden with goods. When she got near Porto Bello, all her provisions were put in the tenders and the goods these bore taken aboard. She then entered the harbor laden down to the water's edge. Thus this single ship was made to carry more than five or six of the largest galleons.[15]

Thirty years before the Spanish colonies began their war of independence, the British government had entertained the idea of revolutionizing and separating them from Spain. This idea seems to have arisen in 1779, during the administration of Lord North, when Spain joined France in the alliance with the American

[14] *The Assiento; or Contract for Allowing to the Subjects of Great Britain the Liberty of Importing Negroes into the Spanish America.* London, 1713.

[15] Ulloa: Voyage to South America. English translation, London, 1806, Vol. I, p. 105.

colonies against Great Britain.[16] It was suggested at first, no doubt, as a measure of retaliation, but was frequently agitated in later years with the avowed object of opening up South America to British commerce. The same idea was the basis of Miranda's scheme for the liberation of his native land.

Francesco de Miranda (1754-1816), a native of Caracas, Venezuela, was the first Spanish-American patriot. He was with the American army for a time during the Revolutionary War, but in what capacity is not quite settled. It is stated by some writers that he held a commission under La Fayette. The success of our war inspired him with the hope of freeing his own country from Spanish control. He confided his views to his friends in the United States, particularly to Alexander Hamilton,[17] "upon whom he fixed his eyes as a coadjutor in the great purpose of his life." Shortly after Miranda had returned to his native land his schemes were discovered. He fled to the United States, and later to England, where he had repeated conferences with Pitt. Finding no help for his revolutionary schemes in England, he went to the continent and traveled through France, Germany, Turkey and Russia. At the Russian court he was warmly received, but was soon dismissed at the demand of the Spanish minister. At news of the dispute between England and Spain about Nootka Sound in 1790, he hastened to England and communicated his scheme to the British ministry. Pitt lent a ready ear to his

[16] Letters and Despatches of Castlereagh, Vol. VII, p. 266 ff. This volume is rich in information in regard to England's Spanish-American policy.

[17] Life of Hamilton, Vol. VII, p. 212.

views as long as the dispute lasted, with the intention of making use of him in the event of a rupture with Spain. But when the dispute was peaceably settled, Miranda's hopes fell to the ground and he left England. He considered himself to have been ill-used by Pitt on this occasion, as he subsequently stated to Rufus King, the American minister to England.

The French Revolution was now well under way, and the wars upon which the republic was entering offered an attractive field for a soldier of republican ideas. In April, 1792, Miranda went to Paris with introductions to Pétion and the leading Girondists, hoping that the revolutionary party might help him in his plans. He was given a commission as brigadier-general in the French army, and served in responsible posts under Dumouriez on the eastern frontier. He conducted the siege of Maestricht and commanded the left wing of the French army at the disastrous battle of Neerwinden, March, 1793, in which Belgium was reconquered by the Austrians. Dumouriez now declared against the convention, but his troops having refused to follow him, he went over to the Austrians in company with the Duke of Chartres, Louis Philippe. Miranda fell under suspicion of treason and was forced to undergo a court-martial, but was acquitted. For some unexplained reason he was shortly after thrown into prison. He soon secured his release, but for several years disappears from public view. His services in behalf of the republic received in time due recognition. His name appears on the Arc de Triomphe in Paris in the list of the heroes of the revolution.

In January, 1798, Miranda returned to England.

As Spain was now the close ally of France, he hoped to secure the cooperation of Great Britain in his scheme. He also hoped to secure aid from the United States. The people of Kentucky and Tennessee were far from satisfied with the provisions of the Spanish treaty of 1795 in regard to the navigation of the Mississippi river. Then, too, just at this time, war between the United States and France seemed inevitable, on account of the resentment by France of the Jay treaty and her treatment of the American representatives. Washington had been called from his retirement at Mt. Vernon to assume the post of commander-in-chief of the army, while the active command was to be given to Hamilton. Hamilton had expressed great interest in Miranda's projects and was a man of known ambition. His appointment, therefore, as the virtual commander-in-chief of the American army made Miranda hopeful of his cooperation.

Mr. King, the American minister at London, entered heartily into the plans of General Miranda, and his correspondence on that subject, during the year 1798, with his government and with Hamilton is quite voluminous.[18] For a time it seemed as if Great Britain and the United States would cooperate for the purpose of revolutionizing Spanish America. The plan, as entertained by Miranda and Hamilton, was for England to supply the naval force and the United States the land forces. Miranda believed that six or eight vessels of the line and four or five thousand

[18] Life and Correspondence of Rufus King, New York, 1894, Vol. II, App. 5. For further information regarding his relations with Miranda, see extracts from his Memorandum Book, in Vol. III, App. 3.

troops would be sufficient,[19] though Hamilton thought it would require ten thousand troops. England's participation in the scheme depended upon the relations between France and Spain. Mr. King wrote to his government, February 26, 1798: "Two points have within a fortnight been settled in the English cabinet respecting South America. If Spain is able to prevent the overthrow of her present government and to escape being brought under the entire control of France, England (between whom and Spain, notwithstanding the war, a certain understanding appears to exist) will at present engage in no scheme to deprive Spain of her possessions in South America. But if, as appears probable, the army destined against Portugal, and which will march through Spain, or any other means which may be employed by France, shall overthrow the Spanish government, and thereby place the resources of Spain and of her colonies at the disposal of France, England will immediately commence the execution of a plan long since digested and prepared for the complete independence of South America. If England engages in this plan, she will at Philadelphia propose to the United States to cooperate in its execution. Miranda will be detained here, under one pretence or another, until events shall decide the conduct of England."[20] England's policy in regard to South America for the next twenty years substantially confirmed the interpretation of her motives here given by Mr. King.

During the summer of 1798 Mr. King had several

[19] See Miranda's letter to President Adams, March 24, 1798. Life and Corresp. of King, Vol. II, p. 654.

[20] Life and Corresp. of King, Vol. II, p. 650.

conferences with the British ministry in regard to the Spanish-American question, but it was always understood that they were personal and wholly unauthorized. What occurred at these interviews was, of course, always communicated to the government at Washington, but as they were unofficial and communicated merely in the nature of information, the State Department preferred to keep the matter on the same basis and did not refer to the matter in its dispatches to Mr. King. This caused him no little annoyance.[21] In the same way no notice was taken of General Miranda's letter to President Adams.

Hamilton, however, was very frank in the expression of his views both to General Miranda and to Mr. King. Under date of August 22, 1798, he wrote to the latter: "I have received several letters from General Miranda. I have written answers to some of them, which I send you to deliver or not, according to your estimate of what is passing in the scenes where you are. Should you deem it expedient to suppress my letter, you may do it and say as much as you think fit on my part in the nature of a communication through you. With regard to the enterprise in question, I wish it much to be undertaken, but I should be glad that the principal agency was in the United States—they to furnish the whole land force necessary. The command in this case would very naturally fall upon me, and I hope I should disappoint no favorable anticipation."

The United States, moreover, succeeded in coming to an understanding with France and in maintaining

[21] See King's letter to Hamilton, March 4, 1799. Life and Corresp., p. 662.

the principle of neutrality in the great Napoleonic conflict about to break upon Europe, while England was unwilling to deal such a serious blow to Spain as long as there was a chance of arraying her against Napoleon. The communication of the views of the British government at Philadelphia, to which Mr. King referred as a preliminary, was never made. Miranda's hopes finally fell through at the re-establishment of peace in Europe by the treaty of Amiens, which lasted until 1804. He lingered in Europe sometime longer, until, wearied out by years of fruitless negotiation with the British government, he, for the time being, gave up all hope of success in that quarter and returned once more to the United States.

Arriving in New York from England in November, 1805, Miranda proceeded to lay his cause once more before Mr. King, who had so warmly befriended him in London, and to solicit his cooperation in fitting out an expedition for South America. While expressing his full sympathy with the cause, Mr. King stated emphatically that he could render him no assistance, nor could any individuals safely do so, without the countenance of the government. He, therefore, advised Miranda to go to Washington and lay his plans before the administration. This Miranda did. He was admitted to informal conferences both with President Jefferson and Secretary of State Madison. Upon his return to New York he represented to those interested in his schemes that he had secured from the government a secret sanction of his project, and that the administration, though unwilling to take the initiative, would support the undertaking so soon as the standard of revolution should once have been raised

on the Spanish Main. Miranda's chief supporter was Colonel Smith, surveyor of the port of New York, whose influence as a public official in close touch with the administration was decisive in persuading many adventurous spirits to join the expedition with the belief that it was really secretly backed by the government of the United States.

Miranda left New York in the early part of February, 1806, in the *Leander*, with an imperfectly equipped force of about 200 men, most of whom were commissioned as officers and promised commands in the South American army, which was expected to spring from the soil at the magic touch of Miranda's step upon the shores of his native land. The ship proceeded to Jacquemel, San Domingo, where Miranda expected to get the necessary supplies and reinforcements. Here disappointments awaited him, disputes with the ship's captain ensued, and over a month was fruitlessly spent, while the Spanish authorities on the Main had time to put themselves on the alert. It was not until the last of April that the expedition, reinforced by two schooners, appeared off the coast of Venezuela near Porto Cabello. They were attacked by two Spanish vessels, which captured the schooners with about sixty men and large stores, while the *Leander* ignominiously took to flight.

Miranda then sailed for Barbados, where he solicited aid from the British admiral, Lord Cochrane, in command on the West Indian station. Lord Cochrane, without definite instructions from his government, but acquainted with its general policy in regard to South America, and knowing of the close relations in which Miranda had stood for years with the British

ministry, decided to assist him in landing. With this understanding he signed with Miranda an agreement to the effect that in the event of the success of the expedition, Great Britain should always be held on a footing with the most favored nations, and that British ships should receive a deduction of ten per cent. upon duties paid by all other nations, except the United States.[22] On the twentieth of June, the expedition left Barbados under convoy of a part of Admiral Cochrane's squadron, and on August 2, 1806, effected a landing near Coro, Venezuela. They easily took possession of the town, the unarmed inhabitants fleeing before them. Here Miranda remained about ten days, issuing proclamations and vainly waiting for the natives to join him. His position, meanwhile, was becoming unsafe, so he abandoned it and took possession of the little island of Aruba off the coast. Lord Cochrane, seeing that the expedition was a failure, and not wishing further to compromise his government, sent no reinforcements and finally ordered the withdrawal of the ships that had accompanied the expedition. Miranda was offered a convoy back to Trinidad, which he accepted, leaving Aruba, September 27, 1806. At Trinidad the members of the expedition dispersed.[23]

The Americans who had taken part in the expedition and survived were prosecuted in the United States courts for violation of the neutrality laws. They claimed that they had enlisted in the undertaking with the connivance of the government at Washington.

[22] Castlereagh's Letters and Despatches, Vol. VII.

[23] See Sherman's *General Account of Miranda's Expedition*, N. Y., 1808.

Mr. Jefferson's enemies made great political capital of the affair. Members of the cabinet were summoned as witnesses, but refused to appear. Privately Jefferson and Madison both denied most emphatically having in any way committed the government to Miranda's undertaking, or having acted in any way in disregard of our obligations to Spain.[24]

Aside from accomplishing nothing, the expedition of 1806 was a great injury to Miranda's cause. He himself lost prestige as a military leader and brought his character into question as having misrepresented his connection both with the British and United States governments. However, upon the occupation of Spain by Napoleon in 1808, Miranda again hastened to England and urged upon the ministry the claims of his country, in whose interests he had now been laboring incessantly as an exile for more than twenty years. We cannot but admire his tenacity of purpose in the face of the most disheartening failures.

Not only did the British government lend its encouragement, through Lord Cochrane, to the filibustering expedition from the United States with which Miranda hoped to revolutionize Venezuela, but about the same time it sent an expedition against the provinces of the Plate. This attack, like the assistance given to Miranda, was ill-timed and not properly followed up. The policy seems to have been outlined by Pitt, but was put into execution after his death by the short-lived ministry of Grenville and Fox. The government of the Duke of Portland, which succeeded after a few months, and in which Castle-

[24] Jefferson's Works, Vol. V, p. 474; Madison's Writings, Vol. II, pp. 220, 225.

reagh and Canning were the most conspicuous figures, did not deem it expedient to follow up the undertaking.[25] In fact, the fate of the expedition was already sealed when Portland came into power.

The victory of Trafalgar had given the English control of the Atlantic. A force of some 6000 men was dispatched to the South Atlantic without its destination being known. It proceeded to Rio Janeiro, Portugal then being in alliance with England. The viceroy of the Plate became alarmed and prepared to defend Montevideo, which he thought would be the first point of attack. The expedition, however, passed by and proceeded to the Cape of Good Hope, which it wrested from the Dutch. In 1806 a dash was made from the Cape for the river Plate. Sir Home Popham commanded the fleet, and General Beresford the land force, which amounted to 1635 men. On the 6th of June the squadron arrived at the mouth of the Plate. The ships had some difficulty in ascending the river, but on the 25th they came to anchor at a point fifteen miles below Buenos Ayres. The city was captured with little or no resistance, the inhabitants having been led to believe that the British had come to liberate them. The contents of the public treasury were handed over to the invaders. The inhabitants were required to swear allegiance to George III., private property was respected, the free exercise of their religion was allowed, and all officials who took the oath were continued in office. When Beresford refused to proclaim the independence of the province, or to give any assurance for their future independence, the inhabitants, who had now learned

[25] Letters and Despatches of Castlereagh, Vol. VII, p. 314 ff.

how insignificant the invading force really was, began to prepare for resistance. A leader was readily found in the person of Jacques Liniers, a Frenchman, who had been for thirty years in the service of Spain. He and Juan Martin de Puyrredon began an organized movement for the expulsion of the English. On the 12th of August, Beresford, who had remained all this time without reinforcements, was compelled to surrender. Troops ordered to his support from the Cape did not arrive until later.

Sobremonte, the viceroy, had deserted Buenos Ayres and established himself at Montevideo. The people of Buenos Ayres, therefore, deposed him and chose Liniers in his place.

During the fall other English reinforcements arrived, and in January, 1807, Montevideo was taken by assault. As soon as the defeat of Beresford was known, General Whitelocke was sent to take command of the united English forces of the Plate, now some twelve thousand in number. He arrived in the spring. The reconquest of Buenos Ayres now seemed an easy matter. It had been taken in the first instance by sixteen hundred men; there were now ten thousand available. On the 28th of June the British landed at the small port of Enseñada, forty-eight miles below Buenos Ayres. The fighting continued on the outskirts of the city in a desultory manner and without any decisive action for several days. But finally, owing to the bad generalship and incompetency of Whitelocke, his troops got into such a muddle that half the force was captured or disabled. On July 6, Liniers decided to send a flag of truce with the proposal to surrender all the English prison-

ers, including those taken with Beresford, provided Whitelocke would evacuate the territory of Buenos Ayres. One of Liniers's associates, Alzaga, insisted that the terms of surrender should include Montevideo. This demand seemed preposterous, but the clause was finally inserted, and to their surprise agreed to, so complete was the demoralization of the English. On the 7th of July the terms of capitulation were signed.[26] Thus through a lack of decision in the cabinet and a display of incapacity in the field, without parallel in British annals, the empire of the Plate was lost.[27]

With Napoleon's invasion of Spain in 1808, the Spanish-American question came to the front once more. Miranda returned to London and was detained there by the cabinet, as before by Pitt, with a view to using him if occasion should require. At the same time Castlereagh, now Foreign Secretary, had other solutions of the question in view. It was proposed, and the matter seriously discussed in the cabinet, to alienate the colonies from Spain, if possible, without revolution; and, instead of establishing republics according to Miranda's plan, to unite them all under a prince of the House of Bourbon. Louis Philippe, Duke of Orleans, was suggested as the most suitable person for the new crown. Some thirty years prior to this, immediately upon the recognition by Spain of the independence of the United States, Count de Aranda had advised Charles III. to forestall the move-

[26] See Watson: Spanish and Portuguese South America. 2 Vols. London, 1884, Vol. II, p. 271 ff.

[27] See Letters and Despatches of Castlereagh, Vol. VII, p. 316 ff.

ment for independence, which must inevitably come in his own provinces, by establishing among them three great empires—one in Mexico, one in Peru, and one on the Main—each to be ruled by a prince of the royal family of Spain.[28]

Chateaubriand brought forward a similar plan several years later at the Congress of Verona. The present scheme was suggested by General Dumouriez in the interests of his friend, the Duke of Orleans. Several memorials on the subject, both by Dumouriez and the duke were presented to the British government in 1807 and 1808.[29]

Napoleon's invasion of Spain constitutes at once the most contemptible and the most disastrous chapter in his career. In 1807, under the terms of an agreement with Godoy, the unworthy favorite of the queen and the virtual ruler of Spain, a French army was introduced into the kingdom for the nominal purpose of punishing Portugal for her refusal to join the continental system. The Portuguese royal family, fully appreciating the danger in which they stood, fled to America and founded the empire of Brazil, which in 1815 was declared independent of Portugal. The Spanish rulers attempted to follow their example, but their intended flight became known and they were prevented by the populace from leaving the capital. In the meantime a disgraceful quarrel having arisen between the old king, Charles IV., and Prince Ferdinand, Napoleon, whose troops were now firmly established in Spain, stepped in as arbiter between

[28] Romero: Mexico and the United States, Putnam, 1898, p. 287.

[29] Letters and Despatches of Castlereagh, Vol. VII.

father and son and summoned them both to meet him on the northern frontier. Having purposely lingered in France beyond the appointed time, he succeeded in enticing them over the border to Bayonne, where he compelled them both to renounce forever the crown of Spain and the Indies, which he forthwith bestowed upon his brother Joseph. When the truth dawned upon them, the Spanish nation rose to a man. Napoleon had unwittingly aroused the latent principle of nationality; he had put into action a force which was new and one which the statesmen of Europe had hitherto left out of account, but which was to prove the most potent factor in the new epoch of political history introduced by the French Revolution.

Provisional juntas were rapidly organized in the various provinces of the kingdom of Spain and affairs administered in the name of Ferdinand VII. The Junta, or as it is better known, the Regency of Cadiz, rapidly gained a position of national importance and became the chief executive body of the Spanish nation. The American provinces, which had long been restive under Spanish rule, now claimed the same right of self-government that the provinces of the Peninsula had assumed, and began to depose the Spanish governors and to set up juntas of their own, still acting in the name of Ferdinand VII. The Americans claimed that they were not politically a part of Spain, but connected only through the sovereign, and that with the removal of the sovereign the connection ceased. The Regency of Cadiz, on the other hand, maintained that the colonies were integral parts of Spain, and claimed, therefore, the right to govern them in the absence of the sovereign.

The first throes of revolution were felt in 1809, almost simultaneously in Upper Peru, Quito and Mexico. These movements were quickly suppressed with great cruelty. In the year 1810 the revolution opened upon a vast scale. All the Spanish colonies on the mainland, with the exception of Lower Peru, revolted at the same time and proclaimed their independence of Spain, although still professing allegiance to Ferdinand VII., the dethroned king.

The colonial authorities were deposed in most cases by force of public opinion and without violence. The revolution was municipal in character, that is to say, the *cabildos*, or town councils, the only popularly constituted political bodies in the colonies, assumed the initiative in the work of revolution and named the juntas. The junta of the capital city in each province was usually recognized as the chief executive body for that province, and assumed for the time being all the functions of government. National conventions were then called in many cases to decide upon the form of government. These in most cases entrusted the executive power to regencies or triumvirates, almost all of which rapidly gave way to military dictatorships.

The Regency of Cadiz had anticipated trouble from the colonies and had recognized their rights as freemen by inviting them to send deputies to the national Cortes, but at the same time had abridged those rights by allowing them only a very limited representation, absurdly out of proportion to their population and commercial importance. Upon the establishment of the provisional governments or juntas in the colonies, the Regency refused them the freedom of trade that

had been promised, declined the proffered mediation of England, and proceeded to stigmatize the Americans as rebels and to declare them guilty of high treason, although they had been guilty only of the same conduct that the Spaniards themselves were pursuing at home.

Venezuela then (1811) declared herself independent of both the Spanish nation and of the Spanish monarch, and adopted a republican constitution. The promulgation of the Spanish constitution of 1812 further encouraged the spirit of independence in the colonies, but when Ferdinand was restored in 1814, the colonies were still governed in his name, for the revolution in Venezuela, which alone had declared for independence, had been crushed out. Had Ferdinand acted with any moderation or judgment his American possessions would have been saved to his crown. But the refusal of the colonies, which had now enjoyed practical self-government for several years, to take upon them without conditions the yoke of absolute authority, was met with the proclamation of a war of reconquest. Reconciliation was thereafter no longer possible, and independence only a question of time. By the close of 1815 the revolution had been put down in all the provinces except La Plata. There it was never suppressed. For this reason we shall first trace rapidly the course of the revolution in the south, of which San Martin was the directing power.

José de San Martin was born in 1778 in Paraguay, his father being the governor of *Misiones*. When eight years of age, his family went to Spain and he was entered as a pupil in the Seminary of Nobles at

Madrid. At the age of twelve, he joined a regiment as cadet and saw his first service in Africa. He served in the Spanish army for more than twenty years, and won promotion as well as special distinction for bravery. In the battle of Baylen, where a detachment of Napoleon's disciplined troops was beaten by an army of recruits inspired by patriotism, San Martin, then a captain, won a gold medal and a commission as lieutenant-colonel for his conduct. Hearing of the struggle for liberty in his native land, he resigned his commission and returned to America. He was almost unknown personally, but his reputation as a brave soldier and a skilful tactician procured for him immediate employment. At this time the Argentine Republic had two armies in the field, the one operating near at home against the Portuguese in Uruguay and the Spanish in Montevideo, and the other in Upper Peru (Bolivia) against the forces sent by the viceroy of Peru to suppress the Argentine revolution. San Martin was soon given the command of this army in the north, succeeding General Belgrano. He soon placed his army in an excellent state of discipline and put a check to the advances of the Peruvian army.

On the 16th of May, 1814, the Argentine naval force, under command of an Irishman named Brown, defeated and almost entirely destroyed the Spanish squadron stationed at Montevideo, and that city soon after surrendered to the besieging army of Alvear, San Martin's old comrade in the Spanish army. Alvear, whose political influence was much greater than San Martin's, now aspired to the conquest of Peru, and therefore desired the command in the north.

This San Martin willingly relinquished to him. He had other plans in mind, and the state of his health demanded rest. Upper Peru had been the high-road from Peru to Buenos Ayres in times of peace, and was, therefore, naturally looked upon as the line of advance for the liberating army. San Martin, however, after a careful study of the question, had become convinced that this was not the strategic line of approach, that the Argentine Republic would never succeed in conquering Peru from this quarter. His idea was to carry the war to the west, to cross the Andes, occupy Chile, and having secured a base there, to attack Peru from the coast, continuing military operations in the north merely as a diversion. The success of this plan depended upon the performance of two apparently impossible tasks—the passage of the Andes and the creation of a navy on the Pacific. San Martin was by far too shrewd a man to advocate such an undertaking before maturing his plans. He, therefore, confided it only to a few of his intimate friends, and, taking advantage of his ill health, asked, as a favor for himself, the government of the obscure province of Cuyo, where from its capital of Mendoza he could place himself in communication with the Chilean patriots.

On the 10th of August, 1814, San Martin was appointed governor of Cuyo, and at once devoted himself to the development of the plans which led to the emancipation of half a continent and gave him his place in the world's history. The revolutionary movement in Chile had just been crushed out. It was begun in 1810 and the general course of events had been somewhat similar to the Argentine move-

ment, but it had fallen a victim first to disputes between the Patriot leaders and finally to the troops of the viceroy of Peru. It would require more space than we can give to trace the varying fortunes of the cause in Chile through the stirring events that marked the leadership of Dr. Rosas, of the Carrera brothers, and of Bernardo O'Higgins. After the final collapse, O'Higgins, with a number of other Patriots, fled over the Andes to Mendoza and readily entered into the plans of San Martin. It took the latter two years to organize and equip an army and to convince the government of Buenos Ayres of the practicability of his plan.

At length, on January 17, 1817, he began the passage of the Andes with about 5000 men, 1600 horses, and 9000 mules, the latter carrying the field artillery, ammunition and provisions. The summit of the Uspallata Pass is 12,700 feet above the sea-level, 5000 feet higher than the Great St. Bernard, by which Napoleon led his army over the Alps. In many other respects San Martin's achievement was more remarkable. Each piece of artillery had to be carried suspended on a pole between two mules, or where the road was particularly dangerous, dragged by ropes. There were chasms that could be crossed only by cable bridges. The march over the Andes occupied three weeks. Both men and animals suffered greatly from *soroche*, the illness caused by rarefied atmosphere.

At the foot of the mountain, at Chacabuco, the vanguard of San Martin's army defeated a body of 4000 Royalists, and thus opened the road to Santiago, which San Martin entered February 14, 1817. The Chileans chose him Supreme Director of their govern-

ment, but he declined the office, and O'Higgins was chosen.

San Martin's great object was to crush the colonial power of Spain in its stronghold, Peru. Having by the successful passage of the Andes and the victory of Chacabuco in a measure justified his plan of campaign, he returned to Buenos Ayres for reinforcements. The Royalists meanwhile retreated to the south. On the 18th of February, 1818, the independence of Chile was proclaimed. A month later the Patriots were surprised at Cancha-Rayada and almost routed, but within two weeks the army was again ready for action, and on April 5, 1818, encountered the Royalists at Maypu. This battle was a complete victory for the Patriots and decided the fate of Chile. Only one or two fortresses in the south were now held for Spain. Five days after the battle of Maypu, San Martin returned once more to Buenos Ayres and began organizing an expedition for the liberation of Peru. Puyrredon, now Supreme Director, supported his undertaking.

While San Martin was soliciting aid from the Argentine Republic, the Chilians were not idle. They saw that the only way of insuring their independence was by the creation of a navy. Through its agent in London, the Chilian government secured the services of Lord Cochrane, an English naval officer of great distinction and remarkable talents, who by a curious turn of fortune had been brought into unmerited disgrace and dismissed from the British service.[30] He reached Valparaiso in November and hoisted his flag

[30] See Cochrane (Earl Dundonald): Services in Chili. 2 Vols. London, 1859.

on board the *O'Higgins*, December 22, 1818. During the course of the next year, Cochrane made two attempts to take Callao, the seaport of Peru, but without success beyond harassing the enemy in some of the smaller coast towns. In February, 1820, by a brilliant move, he captured Valdivia, a strongly-fortified town still held by the Spaniards in southern Chile.

San Martin returned to Chile in January, 1820, and began to assemble the army destined for the invasion of Peru at Valparaiso. Of the 5000 men, two-thirds were from Buenos Ayres, while nearly all of the officers were Argentine or European volunteers. Of 65 foreign officers, 37 were British and 3 were from the United States. There were besides 30 English officers in the Chilian navy. The expedition sailed on the 21st of August, 1820, on board the fleet commanded by Cochrane. San Martin landed his army at Pisco, to the south of Lima, and sent an expedition into the interior under General Arenales, who had served the Patriots for years in Upper Peru. In October, San Martin reimbarked his troops and landed them again at Huacho, a point 70 miles north of Lima. Meanwhile the Spanish squadron, completely demoralized by the appearance on the Pacific of Lord Cochrane, whose daring exploits were well known, was lying under the guns of Callao Castle. On the night of November 5, 1820, Lord Cochrane led a force of volunteers, consisting of 180 seamen and 100 marines, in open boats right under the batteries of Callao, surprised and overpowered the crew of the *Esmeralda*, the largest Spanish frigate, and, cutting her loose, carried her off to his own squadron.

After Cochrane's exploit at Callao, the moral effect

of which was very great, he urged upon San Martin an immediate advance upon Lima, but San Martin had two campaigns before him, the one military, the other political. On first landing at Pisco he had issued an order to his army in which he said "Remember that you are come not to conquer, but to liberate a people; the Peruvians are our brothers." And in spite of the impatience and restlessness of his officers, he steadily adhered to his plan, to the no small loss of his military prestige and ultimately to his retirement from the scene of activity. His purpose was by the presence of the liberating army to give the people of Peru a chance to rise and throw off the yoke of Spain. To this end he scattered proclamations and addresses of a revolutionary character broadcast through the land and quietly awaited results. The contest in Peru, he said, was not a war of conquest and glory, but entirely of opinion; it was a war of new and liberal principles against prejudice, bigotry and tyranny. "People ask why I don't march to Lima at once; so I might, and instantly would, were it suitable to my views, which it is not. I do not want military renown; I have no ambition to be the conqueror of Peru; I want solely to liberate the country from oppression. Of what use would Lima be to me if the inhabitants were hostile in political sentiment? How could the cause of independence be advanced by my holding Lima, or even the whole country, in military possession? Far different are my views. I wish to have all men thinking with me, and do not choose to advance a step beyond the gradual march of public opinion. The capital is now ripe for declaring its sentiments, and I shall give them

the opportunity to do so in safety. It was in sure expectation of this movement that I have hitherto deferred advancing; and to those who know the full extent of the means which have been put in action, a sufficient explanation is afforded of all the delays that have taken place. I have been gaining, indeed, day by day, fresh allies in the hearts of the people, the only certain allies in such a war. In the secondary point of military strength, I have been, from the same causes, equally successful in augmenting and improving the liberating army; while that of the Spaniards has been wasted by want and desertion. The country has now become sensible of its true interests, and it is right the inhabitants should have the means of expressing what they think. Public opinion is an engine newly introduced into this country; the Spaniards, who are utterly incapable of directing it, have prohibited its use; but they shall now experience its strength and importance."[81]

The campaign of Arenales in the interior was successful. In the presence of the liberating army, the people everywhere rose in revolt. San Martin's method of conducting the campaign was the correct one. Public opinion was soon aroused in the capital itself, and the Royalists finally decided to evacuate Lima. The viceroy retired with his forces to Cuzco in the highlands. In response to an invitation from the city authorities, the Patriots entered Lima on the 6th of July, 1821. San Martin himself entered without ceremony after dark a few days later. The independence of Peru was proclaimed on the 28th of July

[81] Hall's Journal, Vol. I, p. 181. Report of Conversation with San Martin in Callao Roads.

with imposing ceremonies in the great square of Lima. San Martin was proclaimed Protector of Peru. He proceeded to organize a civil government, and established the celebrated *Order of the Sun,* distinctively aristocratic in character.

San Martin had played a great part thus far, but he had reached the zenith of his influence and power. Dissensions soon arose. The task he had undertaken was difficult in the extreme. It was much easier to acquire power than to use it. At the time of the evacuation of Lima by the Spaniards, he said to Captain Hall: "For the last ten years I have been unremittingly employed against the Spaniards; or rather in favor of this country, for I am not against any one who is not hostile to the cause of independence. All I wish is that this country should be managed by itself, and by itself alone. As to the manner in which it is to be governed, that belongs not at all to me. I propose simply to give the people the means of declaring themselves independent, and of establishing a suitable form of government; after which I shall consider I have done enough and leave them." [32] When the time came he kept his word.

While San Martin was leading the army of liberation from the Argentine Republic to Chile, and from Chile to Peru, Simon Bolivar, the liberator of the north, was pursuing his chequered career in Venezuela and Colombia, unfurling the standard of revolution wherever he could get a foothold. He was a man, in every respect, the opposite of San Martin, fiery, impetuous, wholly given over to personal ambition, neither a statesman nor a soldier, but one of

[32] Hall's Journal, Vol. I, p. 194.

the greatest revolutionary leaders of any age or country. His ignorance of military affairs led him into undertakings from which an experienced soldier would have held back, but his indomitable pluck carried him safely through all calamities, and his wonderful enthusiasm fired his followers even in the midst of disaster.

This remarkable man, whose reputation in the new world stands second to that of Washington alone, was, like Miranda, a native of Caracas. Sprung from a family of wealth and influence he had, like most young South Americans of his class, received his education abroad, and had for several years led a dissipated life in Paris. At first he held himself aloof from the revolutionary leaders, but after the accomplishment of the revolution of Caracas, April 19, 1810, he was persuaded to join the Patriot cause, and was sent to London to solicit assistance from Great Britain.

The junta of Caracas, like those subsequently formed in the south, professed to act in the name of Ferdinand VII., and fearing the influence of Miranda, then in London, whose advocacy of absolute independence had been open and avowed, they instructed Bolivar and their other agents not to allow him to come to Venezuela. Miranda came in spite of them, however, under an assumed name, and was everywhere received with enthusiasm. Under his influence a congress was elected which, on July 5, 1811, declared Venezuela a republic, free and independent of all foreign dominion. Miranda was appointed Director. This was the first South American declaration of independence. The formal independence of the

Argentine Republic was not declared until July 9, 1816.

The Patriot cause was ruined, however, by the earthquake of March 25, 1812, which almost destroyed the city of Caracas and several towns of importance. Twenty thousand people are supposed to have perished. As the disaster occurred on Holy Thursday, the clergy were not slow to turn it to political account and to persuade the people that it was a direct chastisement of Heaven upon them for their rebellion against Spain. The cause of the Patriots steadily lost ground until the fall of Porto Cabello, through the inefficiency of Bolivar, caused its complete collapse. Miranda was forced to sign with Monteverde the treaty of Vittoria, July 26, 1812, on the basis of complete submission and a general amnesty. It is hardly necessary to add that the Spanish general did not abide by the terms of the capitulation. Miranda himself was detained by Bolivar, as he was on the point of embarking for England, accused of having received bribes from the Spaniards and of being unwilling to share the fate of his followers, and treacherously handed over to the Spaniards. He was sent to Spain and after languishing for three years in a dungeon at Cadiz, died July 14, 1816. His fate was a sad blot upon the reputation of Bolivar.

The revolution in New Granada, which had been inaugurated on the 20th of July, 1810, was still holding out and thither Bolivar proceeded to offer his services to the Patriots of that province. As soon as he had firmly established himself in influence and power, he persuaded the government that their only safety lay in the reconquest of Venezuela. He was

provided with troops, and in May, 1813, crossed the frontier and took several important cities. He now assumed a new attitude and became a self-appointed dictator. He proclaimed a war of extermination against Spaniards and adopted a new system of dates: "3d year of Independence and 1st of the War to the Death." He entered Caracas in triumph on the 6th of August, 1813. He proclaimed himself dictator with the title of Liberator. Meanwhile Marino, another Patriot leader, had landed in the eastern part of Venezuela near Cumana and declared himself dictator. There were thus two dictators and no cordiality between them. Before they could come to an agreement the enemy had recovered their position. In December, 1814, the last Patriot force was defeated.

Bolivar and Marino retired once more to New Granada. Bolivar was made captain-general of the forces of New Granada, his title of Liberator was recognized, and another, that of Illustrious Pacificator, bestowed upon him. A second time he undertook the conquest of Venezuela from the west. Dissensions soon arose between Bolivar and the other leaders. He was refused reinforcements and foolishly marched against the Patriot garrison of Cartagena. He was now forced to give up his command, and embarked for Jamaica, May, 1815.

Meanwhile Ferdinand had been restored to the throne of Spain, and an army of 10,000 men, commanded by Marshal Morillo, the ablest Spanish general of the time, had been sent to reduce the provinces on the Main. This expedition reached Cumana in April, 1815, and before the end of the year all the colonies, with the exception of the provinces of the River Plate, were reduced to submission.

Far from giving up hope, however, Bolivar proceeded to Hayti, and from that island, in May, 1816, made a descent upon the eastern part of Venezuela, but was routed by the Spaniards in July, and soon returned to Hayti. A few of the Patriots still kept the field, and towards the close of the year Bolivar's partisans secured his recall. On the 21st of December he left Hayti with a second expedition for the relief of his native land. He determined now to direct all his efforts, not as hitherto, to the support of the Patriot cause in the capital, but to the holding of the great plains of the Orinoco. With this territory as a base, he carried on, during the year 1817, in conjunction with the Llanero horsemen of General Paez, a desperate struggle with the Spaniards. When the rainy season of 1818 began, Bolivar's army had been cut almost to pieces, he had lost prestige as a general, and his civil authority amounted to nothing. Only the cavalry of Paez maintained the Patriot cause. Still the position of the Spaniards was not much better. Morillo had 12,000 men scattered about, but neither money, arms, nor supplies. He reported to the viceroy of Peru: "Twelve pitched battles, in which the best officers and troops of the enemy have fallen, have not lowered their pride or lessened the vigor of their attacks upon us."

In February, 1819, the second Congress of Venezuela convened at Angostura. The Dictator resigned, but was unanimously elected President and given absolute power in all provinces which were the actual theatre of war. The army was reorganized by the accession of foreign troops, in particular the British legion, consisting of 2000 well-equipped men, which

achieved much of the success of the next year. Bolivar now conceived the idea of crossing the Cordillera and reconquering New Granada. General Paez was to attract the attention of Morillo on the plains in front, and a demonstration was to be made on the coast near Caracas, while Bolivar marched to the west. This movement changed the whole face of affairs and had a similar effect to the passage of the Andes by San Martin. New Granada was won by the battle of Boyaca, August 7, 1819. Morillo was now isolated in Venezuela. In December, 1819, a congress of delegates from Venezuela and New Granada met and decreed the union of the two provinces in the Republic of Colombia. Bolivar was named provisional President. An armistice was signed by Bolivar and Morillo in November, 1820, which gave the Patriots breathing time. The Spanish troops remaining in Venezuela were defeated by Bolivar in the battle of Carabobo, June 23, 1821. Only a few fortresses on the coast were still held by the Spaniards.

Bolivar entered Caracas once more in triumph and tendered his resignation, an act always considered by him necessary for giving the proper dramatic effect to such occasions. Congress took no notice of it, but drew up a constitution providing for a limited presidential term of four years. The Liberator, "as he feared," was elected President. He repeated his resignation, but added that he would yield if Congress persisted. Congress did persist.

After the battle of Boyaca, Bolivar had sent General Sucre by sea to Guayaquil, nominally to aid the new state against the Royalists, but in reality to induce it to join the Republic of Colombia. Sucre met with

reverses and had to call on San Martin for assistance from Peru. Meanwhile Bolivar was advancing by land. On the 11th of July, 1822, he entered Guayaquil in triumph, and two days later, on his own responsibility, announced its incorporation with Colombia. The junta resigned and took refuge on board the Peruvian squadron in the harbor. On the 25th San Martin arrived by sea, and Bolivar sent two of his aides to welcome him "on Colombian soil." On the following day San Martin went ashore and he and Bolivar met for the first and last time. They had two private interviews, after which San Martin sent his baggage aboard his ship and announced that he would sail after attending the ball to be given that night in his honor. At the public banquet that evening Bolivar rose and proposed a toast: "To the two greatest men of South America—General San Martin and myself." San Martin also proposed a toast: "To the speedy conclusion of the war; to the organization of the different republics of the continent; and to the health of the Liberator of Colombia"—words which well contrasted the personal and political aims of the two men. San Martin and Bolivar had been unable to agree upon any plan for the expulsion of the Spaniards from the highlands of Peru. The self-denying patriot gave way before the man of ambition. To O'Higgins he wrote: "The Liberator is not the man we took him to be."

Upon his return to Peru San Martin wrote to Bolivar: "My decision is irrevocable. I have convened the first Congress of Peru; the day after its installation I shall leave for Chile, convinced that my presence is the only obstacle which keeps you from

coming to Peru with your army." On the 20th of September, 1822, he laid his resignation before the Congress, and issued an address to the nation. "The presence of a fortunate soldier," he said, "however disinterested he may be, is dangerous to a newly founded state. I have proclaimed the independence of Peru. I have ceased to be a public man." These words, whether intentionally so or not, were prophetic of Bolivar's subsequent career. San Martin wrote to O'Higgins: "I am tired of hearing them call me tyrant, that I wish to make myself king, emperor, the devil. On the other hand, my health is broken, this climate is killing me. My youth was sacrificed to the service of Spain; my manhood to my own country. I think I have now the right to dispose of my old age."

Bolivar's jealousy of San Martin prolonged the war, which might have been brought to a close in a few months, for nearly three years. After the withdrawal of San Martin, Bolivar became Dictator of Peru. On the 9th day of December, 1824, was fought the last battle of South American independence. On the little plain of Ayacucho, 11,600 feet above the sea, General Sucre defeated and captured the forces of the viceroy. Upper Peru was organized as a separate republic, with the name of Bolivia.

Bolivar had been proclaimed President of Peru for life, but the unpopularity of this measure led him to leave the country in 1826, never to return. That same year he summoned the Congress of Panama, but his plans for the union of South America in one republic failed. San Martin's idea finally triumphed. In 1829 Venezuela separated itself from Colombia and passed

a decree of perpetual banishment against Bolivar. In April, 1830, through pressure of public opinion, Bolivar resigned the presidency of Colombia and retired into private life. Congress voted him an annual pension of $30,000. A month later Quito and Guayaquil separated from Colombia and formed the independent state of Ecuador. Even the name Colombia was dropped by the remaining state, and the old name of New Granada adopted. In 1857 the name Colombia was assumed once more.

Bolivar died in a small house near Santa Martha, December 17, 1831, having witnessed the failure of his most cherished plans. San Martin had retired to Europe in 1823 with his only child, a daughter named Mercedes. They lived a retired life in Brussels. Once only, in 1828, he returned to his native land, but was received with such denunciation by the press of Buenos Ayres that he quickly turned his face towards Europe again. He died at Boulogne, August 17, 1850. Thirty years later the Argentine people had his remains brought back to his native land. In May, 1880, with imposing ceremonies, they were laid to rest in the Cathedral of Buenos Ayres.[33]

Mexico was twice revolutionized. The first strug-

[33] The following are a few of the best books in English on the Spanish-American Revolution:

Cochrane (Earl Dundonald): Services in Chili. 2 Vols. London, 1859.

Hall: Journal on Chili, Peru, and Mexico. 2 Vols. Edinburgh, 1824.

Holstein: Life of Bolivar. Boston, 1829.

Miller: Memoirs of General Miller in the Service of Peru. 2 Vols. London, 1829.

Mitre: The Emancipation of South America. Translated by Pilling. London, 1893.

gle began in 1809 and 1810, and was carried on spasmodically until 1817. The second revolution broke out in 1820 on receipt of the news from Spain of the revolution of March, 1820, and the re-adoption of the constitution of 1812. The old revolutionists demanded the proclamation of this constitution in Mexico, but the Viceroy Apodaca opposed them. Augustin de Iturbide, a native Mexican, who in the first revolution had steadfastly adhered to the cause of the king, now defected to the popular side with a large body of troops which the viceroy had entrusted to his command. On the 24th of February, 1821, he issued the celebrated document known as the Plan of Iguala, from the town of that name. In it he proposed the maintenance of the Roman Catholic religion to the exclusion of all others, the independence of Mexico from Spain, and the establishment of a limited monarchy. The Imperial Crown of Mexico was to be offered first to Ferdinand VII., in the event of his declining, to the younger princes of his house; and in the event of their refusal, the duty of naming an emperor was to fall to the representative assembly of Mexico. The personal and property rights of Spaniards in Mexico were carefully guaranteed. In securing the interests of Spaniards and of the clergy, those who had most to lose, this plan differed essentially from the revolutionary policy of the other Spanish colonies. On the other hand, the Creole element was satisfied with the promise of independence and a representative government. The revolutionary army became known as "the Army of the Three Guarantees," these being (1) the maintenance of the religious establishment in its present form, (2) independence,

and (3) the union of Americans and Spaniards.[34] This ingenious document received immediately the widest approval.

The Viceroy Apodaca had practically abdicated when his successor, General O'Donaju, arrived from Spain. As the latter had come without troops, there was nothing left but for him to recognize the revolution as an accomplished fact and make the best terms for his country he could. Accordingly he met Iturbide in conference at Cordova, and after a brief discussion signed the treaty bearing that name, August 24, 1821. It was agreed that a provisional junta should be appointed, that O'Donaju should be a member, and that the junta should proceed to carry into effect the plan of Iguala. O'Donaju then persuaded the Royalists to open the gates of the capital, and on the 27th of September, 1821, Iturbide entered. Shortly thereafter O'Donaju died from the yellow fever, thus leaving Iturbide free to carry out his plans. The Spanish government, of course, repudiated the treaty of Cordova.

The Congress, which assembled in pursuance of the program of Iguala, was divided between Imperialists and Republicans. In spite of the opposition of the latter, Iturbide had himself proclaimed emperor and his family ennobled. Congress soon fell into disputes with the emperor, who finally, in October, 1822, dissolved it by force. A few months later Santa Anna inaugurated a counter-revolution from Vera Cruz, which resulted in the abdication of the emperor. Iturbide was allowed to leave the country. He retired to Italy, where he resided until toward the close

[34] Hall's Journal, Vol. II, p. 188.

of 1823, when he went to London. In May, 1824, at the solicitation of certain of his partisans, he sailed again for Mexico,[35] ignorant of the decree of perpetual banishment passed against him by the Congress a few weeks before. He landed at Tampico on the 12th of July, but was seized and executed a few days later. The new assembly then in session adopted a constitution, and the Republic of Mexico was launched upon what was to prove, for years to come, a career of turbulence and anarchy.

[35] See the statement of Iturbide in regard to his political life published in the Pamphleteer, London, 1827.

CHAPTER II

Part Played by the United States and England in Founding the Spanish-American Republics

The struggle of the South American peoples for independence was viewed from the first with feelings of profound satisfaction and sympathy in the United States. From the commencement of the revolution South American vessels were admitted into the ports of the United States under whatever flag they bore. It does not appear that any formal declaration according belligerent rights to the said provinces was ever made, though a resolution to that effect was introduced into the House by committee as early as December 10, 1811.[1] Such formal action was apparently not deemed necessary and, as there was no Spanish minister resident in the United States at that time to protest, our ports were probably thrown open, as a matter of course.[2] The fact that they were accorded full belligerent rights from the first was afterwards stated by President Monroe in his annual messages of 1817 and 1818 and in his special message of March 8, 1822.[3]

At an early date of the revolution commissioners arrived in Washington seeking recognition of indepen-

[1] Am. St. Papers, For. Rel., Vol. III, p. 538.
[2] On this point cf. Wharton's Digest, Sec. 69.
[3] Messages and Papers of the Presidents, Vol. II, pp. 13, 58 and 116.

dence, and agents were forthwith dispatched to South America to obtain information in regard to the state of the revolutionary governments and to watch the movements of England and other European powers. Joel R. Poinsett was sent to Buenos Ayres in 1811, and the following year Alexander Scott was sent to Venezuela.[4] In 1817 Caesar A. Rodney, Theodorick Bland, and John Graham were dispatched as special commissioners to South America. They proceeded to Buenos Ayres, where they arrived in February, 1818, and remained until the last of April. Rodney and Graham then returned to the United States while Bland proceeded across the continent to Chile. Their reports were transmitted to Congress November 17, 1818.[5] In 1820 Messrs. J. B. Prevost and John M. Forbes were sent as commercial agents to Chile and Buenos Ayres. Reports from them on the state of the revolutions were transmitted to Congress, March 8 and April 26, 1822.[6]

In the meantime a strong sentiment in favor of the recognition of South American independence had arisen in the United States. The struggling colonies found a ready champion in Henry Clay, who, for a period of ten years labored almost incessantly in their behalf, pleading for their recognition first with his own countrymen and then, as secretary of state under the Adams administration, with the governments of Europe. His name became a household word in South

[4] Lyman: Diplomacy of the United States. 2 Vols. Boston, 1828, Vol. II, p. 432. Romero: Mexico and the United States.

[5] Given in full in Am. St. Papers, For. Rel., Vol. IV, pp. 217-270.

[6] Am. St. Papers, For. Rel., Vol. IV, pp. 818-851.

America and his speeches were translated and read before the patriot armies.

In spite of the fact that our own political interests were so closely identified with the struggling republics, the President realized the necessity of following a neutral course, and in view of the aid the colonies were receiving from citizens of the United States, called upon Congress for the enactment of a more stringent neutrality law. Clay delivered a vigorous speech in opposition to this measure in January, 1817. His greatest effort in behalf of South America, however, was his speech of March 25, 1818, on the general appropriation bill. He moved an amendment appropriating $18,000 for the outfit and year's salary of a minister to the United Provinces of the Plate. Without waiting to hear the report of the three commissioners who had been sent to inquire into the state of the revolutionary governments, he urged that a minister be regularly accredited to Buenos Ayres at once. In a speech, three hours in length, he concluded the arguments he had begun the day before. Painting with even more than his usual fire and enthusiasm the beauties and resources of the Southern continent, he said: "Within this vast region, we behold the most sublime and interesting objects of creation; the loftiest mountains, the most majestic rivers in the world; the richest mines of the precious metals; and the choicest productions of the earth. We behold there a spectacle still more interesting and sublime—the glorious spectacle of eighteen millions of people struggling to burst their chains and be free."[7] He went on to say that in the establishment of the independence of the South

[7] Benton's Abridgment, Vol. VI, p. 139.

American states the United States had the deepest interest. He had no hesitation in asserting his firm belief that there was no question in the foreign policy of this country, which had ever arisen, or which he could conceive as ever occurring, in the decision of which we had so much at stake. This interest concerned our politics, our commerce, our navigation. There could be no doubt that Spanish America, once independent, whatever might be the form of the governments established in its several parts, those governments would be animated by an American feeling and guided by an American policy. They would obey the laws of the system of the new world, of which they would compose a part, in contradistinction to that of Europe.[8] The House turned a deaf ear to his brilliant rhetoric. The motion was defeated by a vote of 115 to 45.

Clay's whole conduct in regard to this question was exemplified in his attack upon the administration, which greatly disturbed President Monroe. On the 20th of May, 1820, he again introduced a resolution declaring it expedient to send ministers to the "governments in South America which have established and are maintaining their independence of Spain." His arraignment of the administration became more violent than ever: "If Lord Castlereagh says we may recognize, we do; if not, we do not. A single expression of the British minister to the present secretary of state, then our minister abroad, I am ashamed to say, has moulded the policy of our government toward South America." A charge of dependence upon Great Britain in affairs of diplomacy was as effective a weapon then as it has been since in matters financial.

[8] Benton's Abridgment, Vol. VI, p. 142.

Clay's resolution passed the House by a vote of 80 to 75, but still the executive arm of the government did not move. In 1817 and 1818 the question of South American independence was continually before the cabinet for discussion. President Monroe seemed strongly inclined toward recognition, but in this he was opposed by Adams and Calhoun, who were unwilling to act in the matter without some understanding with England, and if possible with France. Our relations with Spain in regard to the Indian troubles in Florida were in a very strained condition and any action taken at that time in recognition of South America would have involved us in war with Spain and almost inevitably with other European powers. The President, therefore, as a matter of expediency postponed the action which his sympathy prompted, and, in his annual message of November 16, 1818, expressed his satisfaction at the course the government had hitherto pursued and his intention of adhering to it for the time being.[9] Under the President's direction, however, efforts were made to secure the cooperation of Great Britain and France in promoting the independence of South America.[10]

In 1819 an amicable adjustment of our differences with Spain seemed to have been reached by the negotiation of a treaty providing for the cession of the Floridas to the United States and the settlement of long-standing claims of American citizens against Spain. An unforeseen difficulty arose, however, which

[9] Messages and Papers of the Presidents, Vol. II, p. 44.

[10] Adams's Diary, September, 1817, to December, 1818. Castlereagh's Letters and Despatches, Vol. XI, pp. 404 and 458.

proved embarrassing to the administration. The Spanish monarch very shrewdly delayed ratifying the treaty for two years and thus practically tied the hands of the administration during that time as far as the South American question was concerned.

In spite of the awkward position in which the administration found itself, Clay, who was opposed to the treaty on account of its unwarranted surrender of our claims to Texas, continued to plead the cause of South America. Early in the year, 1821, a declaration of interest in the South American struggle, introduced by him, was carried by an overwhelming majority (134 to 12), but the administration held back another year until the *de facto* independence of the colonies no longer admitted of reasonable doubt. Meanwhile the Florida treaty had been ratified. On the 8th of March, 1822, President Monroe, in a special message to Congress, expressed the opinion that the time had come for recognition and asked for the appropriations necessary for carrying it into effect. The President's recommendation was received with approval, and in due course the sum of $100,000 was appropriated for "such missions to the independent nations on the American continent as the President of the United States may deem proper." In accordance with this act Mr. R. C. Anderson of Kentucky was appointed minister to Colombia, Mr. C. A. Rodney of New Jersey to the Argentine Republic, and Mr. H. Allen of Vermont to Chile, in 1824, and Mr. Joel R. Poinsett of South Carolina to Mexico in 1826.

While the United States government was concerning itself with the political interests of the Spanish provinces, Great Britain was quietly reaping all the

commercial advantages to be derived from the situation and was apparently well satisfied to let things follow the drift they had taken. By the destruction of the combined fleets of France and Spain at Trafalgar, in 1805, Nelson had won for Great Britain undisputed control of the Atlantic and laid open the route to South America. Ever since the *asiento* of 1713 had placed the slave trade in her hands, Great Britain had realized the possibilities of South American commerce, and the intercourse, which had been kept up with that country after the termination of the slave monopoly by smugglers, now that the danger was removed became more regular and profitable. During the changes of ministry that followed the death of Pitt, the policy of England in regard to South America was weak and vacillating. We have already called attention to the political indecision that marked the attack upon the provinces of the Plate. With Napoleon's invasion of Spain and the national uprising it occasioned, British policy became once more intelligible. It was wisely deemed of more importance to spare the colonies and to win Spain over to the European alliance against Napoleon, than to take her colonies at the cost of driving her permanently into the arms of France. Meanwhile British commerce with the South American states was steadily growing and that too with the connivance of Spain.

At the close of the Napoleonic wars, Spain, fearing that England through her desire to keep this trade, would secretly furnish aid to the colonies in their struggle for independence, proposed to the British government to bind itself to a strict neutrality. This England agreed to, and when the treaty was signed, there was,

according to Canning, "a distinct understanding with Spain that our commercial intercourse with the colonies was not to be deemed a breach of its stipulations."[11] Notwithstanding this tacit compact, British commerce suffered greatly at the hands of Spanish privateers and even Spanish war vessels. Numbers of British merchantmen were captured by Spanish ships, carried into the few ports left to Spain on the Main, and condemned as prizes for trading with the insurgent colonies. Thus at the time of the acknowledgment of South American independence by the United States, a long list of grievances had accumulated in the hands of the British ambassador at Madrid, and in spite of urgent and repeated remonstrances, remained unredressed.

Canning was deterred from making final demands upon the government of Madrid by the consideration that he did not wish to hamper the constitutional government of Spain, which had come into being by the revolution of March, 1820, and against which the other powers of Europe were preparing to act. The condition of affairs on the Spanish Main was, however, critical and demanded instant redress. He decided, therefore, to take matters into his own hands without harassing the government of Spain, and to dispatch a squadron to the West Indies to make reprisals. In a memorandum to the cabinet on this subject, November 15, 1822, in which he outlines his policy, he commends the course of the United States in recognizing the *de facto* independence of the colonies, claiming a right to trade with them and avenging the attempted interruption of that right by making reprisals, as a

[11] Stapleton: Political Life of Canning, Vol. II, p. 10.

more straightforward and intelligible course than that of Great Britain, forbearing for the sake of Spain to recognize the colonies, trading with them in faith of the connivance of Spain and suffering depredations without taking redress. It was not necessary, he thought, to declare war against Spain, for "she had perhaps as little direct and available power over the colonies which she nominally retains as she has over those which have thrown off her yoke. Let us apply, therefore, a local remedy to a local grievance, and make the ships and harbors of Cuba, Porto Rico and Porto Cabello answerable for the injuries which have been inflicted by those ships, and the perpetrators of which have found shelter in those harbors." In conclusion, he says, that the tacit compact, which subsisted for years, by which Spain was to forbear from interrupting British trade with the South American colonies having been renounced by Spain, and the old colonial system having been revived in as full vigor as if she had still a practical hold over her colonies and a navy to enforce her pretensions, "no man will say that under such circumstances our recognition of those states can be indefinitely postponed."[12]

While Great Britain was thus considering the expediency of following the example of the United States in the recognition of Spain's revolted colonies, the powers of central Europe had taken upon them the task of solving the difficulties of that unfortunate country both at home and in America. The restored rule of the Bourbons in Spain had been far from satisfactory to the great mass of the people. In March,

[12] Stapleton: Official Correspondence of Canning, Vol. I, p. 48 ff.

1820, the army which Ferdinand had assembled at Cadiz to be sent against the rebellious colonies, suddenly turned against the government, refused to embark, and demanded the restoration of the constitution of 1812. The action of the army was everywhere approved and sustained by the mass of the people, and the king was forced to proclaim the constitution and to swear to uphold it. The March revolution in Spain was followed in July by a constitutional movement in Naples, and in August of the same year by a similar movement in Portugal; while the next year saw the outbreak of the Greek struggle for independence. Thus in all three of the peninsulars of Southern Europe the people were struggling for the right of self-government. The movement in Greece was, it is true, of an altogether different character from the others, but it was a revolt against constituted authority and therefore incurred the ill-will of the so-called legitimists. The powers of Europe at once took alarm at the rapid spread of revolutionary ideas and proceeded to adopt measures for the suppression of the movements to which these ideas gave rise. The principle of joint intervention on the part of allied governments in the internal affairs of European states had been developed in the years immediately following the overthrow of Napoleon and was the outcome of the wholly anomalous condition in which he had left the politics of Europe. In the hands of Prince Metternich, the genius of reaction against French revolutionary ideas, this principle had become the most powerful weapon of absolutism and now threatened the subversion of popular institutions throughout Europe.

The rapid development of this doctrine of interven-

tion in the seven years immediately following the second fall of Napoleon not only seriously menaced the liberties of Europe, but also threatened to control the destiny of the new world. At the Congress of Vienna Austria, France, Great Britain, Prussia, and Russia had formed a close union and had signed the treaty upon which the peace of Europe rested for the next half century. The agreement arrived at at Vienna was reaffirmed with some minor changes, after the second overthrow of Napoleon, at Paris, November 20, 1815. France was now practically excluded from the alliance. This treaty undertook especially to guard against any further disturbance of the peace of Europe by Napoleon or France. One of the most significant features of the treaty, or what was to prove so, was the agreement definitely laid down in the sixth article, providing for meetings of the powers at fixed periods.

The first conference held in accordance with this understanding was that at Aix-la-Chapelle in October, 1818. France was readmitted as a member of the alliance and her territory evacuated by the allied armies. The Quintuple Alliance thus formed declared that it had no other object than the maintenance of peace; that the repose of the world was its motive and its end. The language of the declaration had been in a large measure neutralized to suit the views of the British government. Lord Liverpool had said to Castlereagh before the meeting of the conference: "The Russian must be made to feel that we have a parliament and a public, to which we are responsible, and that we cannot permit ourselves to be drawn into views of policy which are wholly incompatible with the spirit of our government." The members of the Brit-

ish cabinet, except Canning, did not object seriously to the system of congresses at fixed intervals, but to the declarations publicly set forth by them. Canning, on the other hand, objected to the declarations and to the conferences themselves, "meetings for the government of the world," as he termed them.

It had been generally supposed that the question of the Spanish colonies would come up for discussion at Aix-la-Chapelle. Castlereagh assured the United States, through Bagot the British minister at Washington, that while England would act with the allied powers at Aix-la-Chapelle in mediation between Spain and her colonies, her mediation would be limited entirely to the employment of her influence and good offices and that she would not take any measures that might assume a character of force.[18]

The revolutions that took place in Spain, Naples and Portugal in 1820 presented an occasion for another meeting of the allies. In November the representatives of Austria, Russia, and Prussia met in conference at Troppau, and issued a circular setting forth what they had already done for Europe in overthrowing the military tyranny of Napoleon and expressing the determination "to put a curb on a force no less tyrannical and no less detestable, that of revolt and crime." The conference then adjourned to Laybach, where they could, with greater dispatch, order the movements they had decided to take against the revolutionists of Naples. Austria, being more intimately concerned with the political condition of the Italian pen-

[18] Bagot to Castlereagh, October 31, 1818. Mem. of a Conversation with Adams. Letters and Despatches of Castlereagh, Vol. XII, p. 66.

insula than either of the other two powers, was entrusted with the task of suppressing the Neapolitan revolution. The Austrian army entered Naples on the 23d of March, 1821, overthrew the constitutional government that had been inaugurated, and restored Ferdinand II. to absolute power. The revolution, which had broken out in Piedmont, was also suppressed by a detachment of the Austrian army.

England held aloof from all participation in the proceedings at Troppau and Laybach—though Sir Charles Stuart was present to watch the proceedings. In a circular dispatch of January 21, 1821, the British government expressed its dissent from the principles set forth in the Troppau circular.

The next meeting of the allied powers was arranged for October, 1822, at Verona. Here the affairs of Greece, Italy, and in particular, Spain, came up for consideration. At this Congress all five powers of the alliance were represented. France was uneasy about the condition of Spain, and England had to send a delegate out of self-defence, as her interests were largely involved. Castlereagh was preparing to depart for the congress, when his mind gave way under the stress of work and more remotely of dissipation, and he committed suicide. Canning then became secretary for foreign affairs, and Wellington was sent to Verona.

The congress which now assembled at Verona was devoted largely to a discussion of Spanish affairs. Wellington had been instructed to use all his influence against the adoption of measures of intervention in Spain. When he found that the other powers were bent upon this step and that his protest would be un-

heeded, he withdrew from the congress. The four remaining powers signed the secret treaty of Verona, November 22, 1822, as a revision, so they declared in the preamble, of the *Treaty of the Holy Alliance.* This treaty of the Holy Alliance, signed at Paris, September 26, 1815, by Austria, Russia, and Prussia, is one of the most remarkable political documents extant. It sprang from the erratic brain of the Czar Alexander under the influence of Madame Crudner, who was both an adventuress and a religious enthusiast. Its object was to uphold the divine right of kings and to counteract the spirit of French revolutionary ideas by introducing "the precepts of justice, of charity, and of peace" into the internal affairs of states and into their relations with one another. No one had taken it seriously except the Czar himself and it had been without influence upon the politics of Europe. The treaty of Verona, however, which was avowedly a revision of the Holy Alliance, is a document of the highest importance. It contains seven articles, four of which we quote in full:

"The undersigned, specially authorized to make some additions to the Treaty of the Holy Alliance, after having exchanged their respective credentials, have agreed as follows:

"Article I. The high contracting parties being convinced that the system of representative government is equally incompatible with the monarchical principles as the maxim of the sovereignty of the people with the divine right, engage mutually, and in the most solemn manner, to use all their efforts to *put an end* to the system of *representative governments,* in whatever country it may exist in Europe, and to prevent its being

introduced in those countries where it is not yet known.

"Art. II. As it cannot be doubted that the *liberty of the press* is the most powerful means used by the pretended supporters of the rights of nations, to the detriment of those of Princes, the high contracting parties promise reciprocally to adopt all proper measures to suppress it not only in their own states, but also, in the rest of Europe.

"Art. III. Convinced that the principles of religion contribute most powerfully to keep nations in the state of passive obedience which they owe to their Princes, the high contracting parties declare it to be their intention to sustain, in their respective states, those measures which the clergy may adopt, with the aim of ameliorating their own interests, so intimately connected with the preservation of the authority of Princes; and the contracting powers join in offering their thanks to the Pope, for what he has already done for them, and solicit his constant cooperation in their views of submitting the nations.

"Art. IV. The situation of Spain and Portugal unites unhappily all the circumstances to which this treaty has particular reference. The high contracting parties, in confiding to France the care of putting an end to them, engage to assist her in the manner which may the least compromise them with their own people and the people of France, by means of a subsidy on the part of the two empires, of twenty millions of francs every year, from the date of the signature of this treaty to the end of the war."

Signed by Metternich for Austria, Chateaubriand for France, Bernstet for Prussia, and Nesselrode for Russia.

Such was the code of absolutism against which England protested and against which President Monroe delivered his declaration.

The Congress broke up about the middle of December, and the following April, the Duc d' Angoulême led a French army across the Pyrenees. By October Ferdinand had been restored to absolute power.[14]

The Congress of Verona was the last of the joint-meetings of the powers of Europe for the discussion of the internal affairs of states. It marked the final withdrawal of England from the European alliance. Henceforth she took up a position distinctly hostile to the principles advocated by her former allies and her policy in relation to Spanish America practically coincided with that of the United States.

The great majority of the English people sympathized deeply with the constitutional movement in Spain and were ready to take up arms in support of the Spanish people. The protest of England having been disregarded by the powers at Verona, it became necessary for the cabinet, in view of the preparations going on in France for the invasion of the Peninsula, to say what they contemplated doing. In February, 1823, Lord Liverpool circulated among his colleagues a minute prepared by Canning, which gave at length the reasons, military and other, why it would be unwise for England to undertake the defence of Spain. In the

[14] For the Congresses of Aix-la-Chapelle, Troppau, Laybach and Verona, see Castlereagh's Letters and Despatches, Vol. XII; Life of Lord Liverpool, Vol. III; Political Life and Official Correspondence of Canning; Chateaubriand's Congrès de Verone. For text of Treaties of Holy Alliance and Verona see Snow's Treaties and Topics in American Diplomacy, p. 243 ff.

first place, the war against Spain was unpopular in France, and if Great Britain should take part in the war, the French government would avail itself of the fact to convert it into an English war and thus render it popular. Second, England would have to undertake the defence of Spain against invasion by land, and her naval superiority would not materially aid the Spaniards or baffle the French. Third, the continental powers were committed to the support of France. Fourth, there was a possibility that the invasion of Spain would be unsuccessful. Fifth, on the other hand, it might meet with success, in which event France might assist Spain to recover her American colonies. Here, he says, England's naval superiority would tell, "and I should have no difficulty in deciding that we ought to prevent, by every means in our power perhaps, Spain from sending a single Spanish regiment to South America, after the supposed termination of the war in Spain, but certainly France from affording to Spain any aid or assistance for that purpose." Sixth, in case of the invasion of Portugal by France and Spain, he thought England would be in honor bound to defend her, in case she asked for aid. The military defense of Portugal would not be so difficult as a land war in Spain.[15]

In accordance with this determination Canning dispatched a letter to Sir Charles Stuart, British ambassador at Paris, March 31, 1823, in which he spoke of recognition of the colonies as a matter to be determined by time and circumstances, and, disclaiming all designs on the part of the British government on the

[15] Life of Lord Liverpool, Vol. III, p. 231. Official Correspondence of Canning, Vol. I, p. 85.

late Spanish provinces, intimated that England, although abstaining from interference in Spain, would not allow France to acquire any of the colonies by conquest or cession. To this note the French government made no reply and England took this silence as a tacit agreement not to interfere with the colonies. The British government continued, however, to watch closely the movements of France.[16]

As the invasion of Spain drew near to a successful termination, the British government had reason to suspect that the allied powers would next direct their attention to the Spanish colonies with a view to forcing them back to their allegiance or of otherwise disposing of them, that is by cession to some other European power. It was already in contemplation to call another European congress for the discussion and settlement of this question. As this was a subject of vital interest to the United States, Canning invited the American minister, Mr. Rush, to a conference, August 16, 1823, in which he suggested the expediency of an understanding on this question between England and the United States. He communicated to Mr. Rush the substance of his dispatch of the 31st of March to Sir Charles Stuart. Mr. Rush said he understood the import of this note to be that England would not remain passive to any attempt on the part of France to acquire territory in Spanish America. Mr. Canning then asked what the United States would say to going hand in hand with England in such a policy. Mr. Rush replied that his instructions did not authorize him to give an answer, but that he would communicate the suggestion informally to his government. At

[16] Stapleton: Pol. Life of Canning, Vol. II, p. 18.

the same time he requested to be enlightened as to England's policy in the matter of recognizing the independence of the colonies. Mr. Canning replied that England had taken no steps in the matter of recognition whatever, but was considering the question of sending commissioners to the colonies to inquire into the condition of affairs. For the present these commissioners would be sent to Mexico alone.[17]

Mr. Stapleton in his Life of Canning simply says that as Mr. Rush was not authorized to enter into any formal agreement, Canning thought the delay of communicating with Washington would render such proceeding of no effect, and so the matter was dropped.[18] This, however, we learn from Mr. Rush's dispatches, is not the whole truth. Several communications passed between them after the conversation above given, which throw a somewhat different light upon the affair.

In an unofficial and confidential letter to Mr. Rush, dated August 20, 1823, Canning asked again if the moment had not arrived when the two governments might come to an understanding in regard to the Spanish-American colonies. He states the views of England as follows: (1) That the recovery of the colonies by Spain was hopeless; (2) That the question of their recognition as independent states was one of time and circumstances; (3) That England was not disposed, however, to throw any obstacle in the way of an arrangement between the colonies and the mother-country by amicable negotiation; (4) That she aimed at the possession of no portion of the colonies for

[17] Rush's Residence at the Court of London, p. 406.
[18] Pol. Life of Canning, Vol. II, p. 24.

herself; and (5) That she could not see the transfer of any portion of them to any other power with indifference. He added "that if the United States acceded to such views, a declaration to that effect on their part, concurrently with England, would be the most effectual and least offensive mode of making known their joint disapprobation of contrary projects; that it would at the same time put an end to all jealousies of Spain as to her remaining colonies, and to the agitation prevailing in the colonies themselves by showing that England and the United States were determined not to profit by encouraging it." [19]

Prior to the formal recognition of South America, the United States had repeatedly expressed the wish to proceed in the matter hand in hand with Great Britain,[20] but that act placed the United States on an altogether different footing from England. Canning seemed to forget in the wording of his proposal that the United States had already, in the most formal manner, acknowledged the independence of the Spanish colonies. In reply Mr. Rush reminded him of this fact and of the desire of the United States to see the colonies recognized by England. In other respects, he believed that the views unfolded by Mr. Canning in his note were shared by the United States, but he added that he had no authority to avow these principles publicly in the manner suggested.

In reply to a third overture from Canning, Rush suggested, August 27, 1823, that it would greatly facilitate matters, especially the negotiations as to joint

[19] Rush's Residence at the Court of London, p. 412.

[20] Castlereagh's Letters and Despatches, Vol. XI, p. 458. Bagot's reports of interviews with Adams.

action of the two powers, for England to acknowledge at once the full independence of the South American colonies. In communicating an account of these proceedings to the government at Washington, Mr. Rush concludes: "Should I be asked by Mr. Canning, whether, in case the recognition be made by Great Britain without more delay, I am on my part prepared to make a declaration, in the name of my government, that it will not remain inactive under an attack upon the independence of those states by the Holy Alliance, the present determination of my judgment is that I *will* make such a declaration explicitly, and avow it before the world."[21] In his communication of the 27th, Mr. Rush used language which closely foreshadowed the Monroe Doctrine. He declared to Mr. Canning that his government "would regard as objectionable any interference whatever in the affairs of Spanish America, unsolicited by the late provinces themselves and against their will; that it would regard the convening of a congress to deliberate upon their affairs, as a measure uncalled for, and indicative of a policy highly unfriendly to the tranquillity of the world; that it could never look with insensibility upon such an exercise of European jurisdiction over communities now of right exempt from it, and entitled to regulate their own concerns unmolested from abroad."

On the 18th of September Rush had another interview with Canning, who still urged him to consent to the proposed agreement and tried to show at length that such a declaration would not conflict with the American policy of avoiding entangling alliances, that it was an American question as much as a European,

[21] Rush's Residence at the Court of London, p. 419.

if not more. He said if Mr. Rush felt unable to act on the proposition he would call upon him in another way. "If a congress be in fact assembled on the affairs of Spanish America, I shall ask that you, as the representative of the United States at this court, be invited to attend it; and if you should not be invited, I shall reserve to myself the option of determining whether or not Great Britain will send a representative to it." After a moment's pause he added: "Should you be invited and refuse to go, I shall still reserve to myself the same option; so you see how essential it is, in the opinion of Great Britain, that the United States should not be left out of view, if Europe should determine to take cognizance of the subject." Mr. Rush replied: "The complication of the subject may be cured at once, and by Great Britain. Let Great Britain immediately and unequivocably acknowledge the independence of the new states. This will put an end to all difficulty. . . . The European congress might meet afterwards, if it chose to take so harmless a step."[22] Several days later, September 26, Canning again brought the subject to the attention of Mr. Rush. He urged the embarrassment England felt in immediate recognition and asked if Mr. Rush could not give his assent to the proposals on a promise of future recognition. Mr. Rush would not accede to anything but immediate acknowledgment of independence.[23]

Canning did not care to extend full recognition to the South American states until he could do so without giving unnecessary offence to Spain and the allies,

[22] Rush's Residence at the Court of London, p. 429.
[23] Rush's Residence at the Court of London, p. 443.

but he determined, since he could not come to a formal understanding with the United States, to make a frank avowal of the views of the British cabinet to France. To this end he had an interview with Prince Polignac, the French ambassador at London, October 9, 1823, in which he declared that Great Britain had no desire to hasten recognition, but that any foreign interference, by force, or by menace, would be a motive for immediate recognition; that England "could not go into a joint deliberation upon the subject of Spanish America upon an equal footing with other powers, whose opinions were less formed upon that question." This declaration drew from Polignac the admission that he considered the reduction of the colonies by Spain as hopeless and that France "abjured in any case, any design of acting against the colonies by force of arms."[24] This admission was a distinct victory for Canning, in that it prepared the way for ultimate recognition by England, and an account of the interview was communicated without delay to the allied courts. The interview between Canning and Polignac was not communicated to Rush until the latter part of November,[25] and therefore, had no influence upon the formation of Monroe's message of December 2.

Before the close of the year the British government appointed consuls to the South American states, and about the time of their departure, an invitation was sent to the courts of St. Petersburg, Paris, and Vienna to a conference to be held at Paris to "aid Spain in adjusting the affairs of the revolted colonies." A copy

[24] Political Life of Canning, Vol. II, p. 26.
[25] Rush's Residence at the Court of London, p. 448.

of this invitation was also handed to the British ambassador at Madrid, but in such a form as to leave him in doubt as to whether his government was invited to the conference or not.[26] While the discussion as to the proposed conference was going on and before Canning had announced what action his government would take in the matter, President Monroe's message of December 2, 1823, arrived in Europe.

The formulation of this message was of course greatly influenced by Mr. Rush's reports of his conferences and correspondence with Canning during August and September. Of such moment did the President consider the questions involved that he submitted Rush's communications to Jefferson and Madison for their advice. Jefferson considered it the most momentous question that had arisen since that of Independence and advised the President to accede to the proposal of Canning and join in the declaration against the Holy Alliance, even at the expense of renouncing all designs upon Cuba, which he had always looked upon "as the most interesting addition which could ever be made to our system of states."[27] Madison not only favored the idea of a joint declaration, but did not see why it should not apply also to Spain and Greece.[28]

Spanish America was not the only part of the western continent threatened at this time by European aggression. On the 4th of September, 1821, the emperor of Russia had issued an ukase, in which he claimed the northwestern coast of North America down to the 51st

[26] Political Life of Canning, Vol. II, p. 33.
[27] Jefferson's Works, Vol. VII, p. 315.
[28] Madison to Monroe, October 30, and to Jefferson, November 1, 1823. Madison's Writings, Vol. III, p. 339.

degree. This claim was incompatible with the pretensions of both England and the United States, and was stoutly opposed by them. This was a part of the territory, known as the Oregon country, which continued in dispute between England and the United States until 1846. In July, 1823, Adams declared to Baron Tuyll, the Russian minister to the United States, "that we should contest the right of Russia to any territorial establishment on this continent, and that we should assume distinctly the principle that the American continents are no longer subjects for any new European colonial establishments." This language was incorporated substantially in the President's message.

From Adams's diary it appears that almost the whole of November was taken up by cabinet discussions on Canning's proposals and on Russia's aggressions in the northwest. The composition of the message remained in doubt until the 27th, when the more conservative views of Adams were, according to his own statement of the case, adopted. He advocated an independent course of action on the part of the United States, without direct reference to Canning's proposals, though substantially in accord with them. He also wished the declaration of our policy, in whatever related to the allies, to be limited to the American question, and not to be complicated with objectionable references to their conduct in Spain or their attitude toward Greece.

The Monroe Doctrine is comprised in two widely separated paragraphs that occur in the message of December 2, 1823. The first, relating to Russia's encroachments on the northwest coast, and occurring

near the beginning of the message, was an assertion to the effect that the American continents had assumed an independent condition and were no longer open to European colonization. This may be regarded as a statement of fact. No part of the continent at that time remained unclaimed. The second paragraph, relating to Spanish America and occurring near the close of the message, was a declaration against the extension to the American continents of the system of intervention adopted by the Holy Alliance for the suppression of popular government in Europe.

The language used by President Monroe is as follows:

1. "At the proposal of the Russian Imperial Government, made through the minister of the emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg to arrange by amicable negotiation the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal had been made by His Imperial Majesty to the government of Great Britain, which has likewise been acceded to. The government of the United States has been desirous by this friendly proceeding of manifesting the great value which they have invariably attached to the friendship of the emperor and their solicitude to cultivate the best understanding with his government. In the discussions to which this interest has given rise and in the arrangements by which they may terminate, the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which

they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers." [29]

2. "In the wars of European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparations for our defence. With the movements in this hemisphere we are of necessity more intimately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments; and to the defence of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in

[29] Messages and Papers of the Presidents, Vol. II, p. 209.

any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between those new governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this government, shall make a corresponding change on the part of the United States indispensable to their security." [30]

The President's message reached England while the discussion in regard to the proposed congress at Paris was still going on. It was received with enthusiasm by the liberal members of Parliament. Brougham said: "The question with regard to South America is now, I believe, disposed of, or nearly so; for an event has recently happened than which none has ever dispersed greater joy, exultation, and gratitude over all the free men of Europe; that event, which is decisive on the subject, is the language held with respect to Spanish America in the message of the President of the United States." Sir James Mackintosh said: "This coincidence of the two great English commonwealths (for so I delight to call them; and I heartily pray that they may be forever united in the cause of justice and liberty) cannot be contemplated without the utmost pleasure by every enlightened citizen of the earth." [31] They evidently had reference to the second clause alone, the one relating to Spanish America. The other clause, the one against European coloniza-

[30] Messages and Papers of the Presidents, Vol. II, p. 218.
[31] Wharton's Digest, Sec. 57, Vol. I, p. 276.

tion in America, seems not to have attracted much attention. Canning, however, saw the bearing of it and objected to the principle it set forth, which was directed against England as much as against the allies. He was evidently a little taken aback at the turn his proposal had taken. The President's message really settled the question before Canning had announced what action his government would take. Some little chagrin is apparent in the tone of his letter to Sir William à Court, British minister at Madrid, December 21, 1823. "While I was yet hesitating," he says, "what shape to give to the declaration and protest which ultimately was conveyed in my conference with P. de Polignac, and while I was more doubtful as to the effect of that protest and declaration, I sounded Mr. Rush (the American minister here) as to his powers and disposition to join in any step which we might take to prevent a hostile enterprise on the part of the European powers against Spanish America. He had no powers; but he would have taken upon himself to join with us, if we would have begun by recognizing the Spanish-American states. This we could not do, and so we went on without. But I have no doubt that his report to his government of this *sounding*, which he probably represented as an overture, had a great share in producing the explicit declaration of the President." [32]

The conference with Prince Polignac here referred to was that of October 9th quoted above. It was not until after the receipt of President Monroe's message in Europe that Canning framed his answer to the Spanish communication informing him of the pro-

[32] Wharton's Digest, Sec. 57, Vol. I, p. 272.

posed meeting in Paris for the discussion of the South American question. In that reply he stated to the Spanish government very fully his views upon the question at issue. He said that while England did not wish to precede Spain in the matter of recognition, yet she reserved to herself the privilege of recognizing the colonies when she deemed it best for her interests and right to them. He said that these views had been communicated fully from time to time to the powers invited to the congress and he concluded with the statement: "It does not appear to the British cabinet at all necessary to declare that opinion anew, even if it were perfectly clear (from the tenor of M. Ofalia's instruction) that Great Britain was in fact included in the invitation to the conference at Paris." [83]

While Canning and Monroe acted independently of each other, the expression that each gave to the views of his government was no doubt rendered more emphatic and of more effect by the knowledge of the other's attitude in the matter. Another point to be noted is that Monroe's message was made public, while Canning's answer was for some time known only to the diplomatic corps.

The determination of both England and the United States to oppose the intervention of the allies in South America had the desired effect. Conferences in answer to the invitation of Spain were held in Paris, but they were participated in only by the ordinary representatives of the powers invited, resident in that capital, and their only result was to advise Spain not to listen to the counsels of England.

All further discussion that took place between Eng-

[83] Political Life of Canning, Vol. II, p. 42.

land and Spain in reference to recognition of the colonies by Great Britain was confined to the status of the revolutionary governments, and upon this point their views were so divergent that Canning finally announced to the Spanish government that, "His Majesty would, at his own time, take such steps as he might think proper in respect to the several states of Spanish America without further reference to the court of Madrid; but at the same time without any feeling of alienation towards that court, or of hostility towards the real interests of Spain."[34]

The French troops continuing to occupy Spain after the time stipulated by treaty, Canning sought an explanation from France, but without satisfactory results. He therefore determined at a cabinet meeting held December 14, 1824, to recognize Mexico and Colombia forthwith. On January 1, 1825, after the ministers had left England with instructions and full powers, the fact of recognition was communicated officially to the diplomatic corps and two days later it was made public. That this recognition was a retaliatory measure to compensate England for the French occupation of Spain was understood at the time and was distinctly avowed by Canning two years later.[35] In a speech delivered December 12, 1826, in defence of his position in not having arrested the French invasion of Spain, he said: "I looked another way—I sought for compensation in another hemisphere. Contemplating Spain, such as our ancestors had known her, I re-

[34] Political Life of Canning, Vol. II, p. 54.

[35] Official Corresp. of Canning, Vol. II, p. 242. Letter to Granville. On the general question of recognition, see Life of Lord Liverpool, Vol. II, pp. 297-304.

solved that, if France had Spain, it should not be Spain *with the Indies.* I called the New World into existence to redress the balance of the Old." In spite of the great indebtedness of South America to Canning, this boast falls somewhat flat when we remember that the Spanish colonies had won their independence by their own valor and had been recognized as independent governments by the United States two years before Great Britain acted in the matter.[36]

Mr. Stapleton, Canning's private secretary and biographer, says that the recognition of Spanish-American independence was, perhaps, the most important measure adopted by the British cabinet while Canning was at the head of the foreign office. He sums up the reasons and results of the act as follows: "First, it was a measure essentially advantageous to British interests; being especially calculated to benefit our commerce. Next, it enabled this country to remain at peace, since it compensated us for the continued occupation of Spain by a French force, a disparagement to which, otherwise, it would not have become us to submit. Lastly, it maintained the balance between conflicting principles; since it gave just so much of a triumph to popular rights and privileges, as was sufficient to soothe the irritation felt by their advocates at the victory, which absolute principles had obtained

[36] In the fall of 1897 an interesting controversy took place in the pages of the North American Review between Senor Romero, Mexican Minister to the United States, and Senator Money, as to whether the United States really afforded any material or moral aid to the Spanish colonies in their struggle with Spain. The same question is discussed in Romero's book on "Mexico and the United States." Putnam, 1898, pp. 316 ff.

by the overthrow of the constitutions of Spain, Portugal, and Naples; and it dealt a death-blow to the Holy Alliance, by disabusing its members of the strange fancy, with which they were prepossessed, that the differences between them and the British ministers (where they did differ) were merely feints on the part of the latter to avoid a conflict with public opinion." [37]

The United States government did not relax its efforts in behalf of the South American states with the recognition of England, but continued to exert itself in order to secure the acknowledgment of their independence by the other powers of Europe, particularly Spain.[38] Mr. Clay tried to get the other members of the alliance, especially the emperor of Russia, to use their good offices with Spain for the purpose of inducing her to recognize her late colonies, but the emperor of Russia, the head of the alliance, continued to preach to Spain "not only no recognition of their independence, but active war for their subjugation." To the request of the United States he replied that, out of respect for "the indisputable titles of sovereignty," he could not prejudge or anticipate the determination of the king of Spain.[39] It was some ten years before Spain could be persuaded to renounce her ancient claims.

[37] Political Life of Canning, Vol. II, p. 1.

[38] Am. St. Papers, For. Rel., Vol. V, pp. 794-796, and Vol. VI, pp. 1006-1014.

[39] Am. St. Papers, For. Rel., Vol. V, p. 850 ff.

CHAPTER III

The Diplomacy of the United States in Regard to Cuba

The Cuban question had its origin in the series of events that have been narrated in the two preceding chapters—the Napoleonic invasion of Spain and the resulting paralysis of Spanish power in America. The declaration of President Monroe, enforced by the well-known attitude of England, dealt the death-blow to Spanish hopes of recovering the Southern continent, hence the islands of Cuba and Porto Rico, which had remained loyal to the king, were clung to with all the greater tenacity as the sole remains of the imperial possessions over which the successors of Ferdinand and Isabella had ruled for three centuries. The "Ever-faithful Island of Cuba" was rewarded for her loyalty by the concession of certain liberties of trade and invited to send representatives to the Spanish Cortes—a privilege which was subsequently withdrawn. Spain was now too weak to protect her two West Indian dependencies—the remains of her former glory, but her very weakness secured their possession to her. The naval and commercial importance of Cuba, "the pearl of the Antilles," made it a prize too valuable to be acquired by any one of the great maritime powers without exciting the jealousy and opposition of the others. Henceforth, to borrow the figure of a contemporary journalist, Cuba was to be the trans-Atlantic Turkey,

trembling to its fall, but sustained by the jealousies of those who were eager to share the spoils.

Apart from her marvellous productivity, geographically Cuba occupies an unique position among her sister islands of the West Indian group, in that she commands both the Gulf of Mexico and the Caribbean sea. The strategic importance of the island, commanding to a large extent the commerce of the West Indies and of the Central American states, and, what was of vital interest to us, the traffic of the Mississippi valley, attracted at an early period the attention of American as well as of European statesmen. In a letter to President Madison in 1809, Jefferson, in speaking of Napoleon's policy in regard to the Spanish-American colonies, said:

"That he would give up the Floridas to withhold intercourse with the residue of those colonies cannot be doubted. But that is no price; because they are ours in the first moment of the first war; and until a war they are of no particular necessity to us. But, although with difficulty, he will consent to our receiving Cuba into our Union, to prevent our aid to Mexico and the other provinces. That would be a price, and I would immediately erect a column on the southernmost limit of Cuba, and inscribe on it a ne plus ultra as to us in that direction. We should then have only the north to include in our Confederacy, which would be of course in the first war. . . . It will be objected to our receiving Cuba that no limit can then be drawn to our future acquisitions. Cuba can be defended by us without a navy, and this develops the principle which ought to limit our views."[1]

[1] Jefferson's Works, Vol. V, p. 443.

President Madison expressed his views on the Cuban question in a letter to Wm. Pinkney, October 30, 1810:

"The position of Cuba gives the United States so deep an interest in the destiny, even, of that island, that although they might be an inactive, they could not be a satisfied spectator at its falling under any European government, which might make a fulcrum of that position against the commerce and security of the United States."[2]

This was the first statement in the evolution of a Cuban policy consistently adhered to by the United States until the successes of the Mexican war superinduced larger ideas of the mission and destiny of the Union.

As early as 1817 apprehensions of alarm, as to the fate of Cuba, were raised in the minds of the American public by newspaper reports to the effect that England had proposed a relinquishment of her claim against Spain for supplies and maintenance of the British army during the Peninsular campaign, amounting to £15,000,000, in return for the cession of the island of Cuba.[3] Reports of this nature were circulated for several months on both sides of the Atlantic, but the question did not assume any very great importance until 1819, when the treaty for the cession of the Floridas to the United States was being negotiated with Spain. It was then insisted by the British press that the acquisition of the Floridas would give the United States such a preponderating influence in West Indian affairs as to render necessary the occu-

[2] Madison's Works, Vol. II, p. 488.
[3] Niles's Register, under date November 8, 1817.

pation of Cuba by Great Britain as the natural and only off-set. A writer in the London Times described Havana as a port second to none in the world—"a station from which the British navy would have complete command over the whole line of the southern and eastern coasts of the United States."[4]

An amusing incident which occurred in this connection at a dinner given by Lord Castlereagh, June 17, 1819, is recorded by Mr. Rush. Baron Just, the Saxon minister, who was seated next to Mr. Rush, asked if he did not think that, after the execution of two British subjects (Arbuthnot and Ambrister) by United States authorities and the cession of the Floridas, England would aim at obtaining Cuba from Spain. Mr. Rush replied that he would be happy if Baron Just would inquire of his neighbor on the other side, who happened to be the Spanish minister, M. Onis, and favor him with the result. This the Baron did, M. Onis replying just loud enough for Mr. Rush to hear, "The American minister may feel easy—Spain has not ceded Cuba to England, and does not mean to."[5]

The Florida treaty was ratified after some delay, which, however, does not appear to have been caused by the British government as was supposed at the time. The British papers, nevertheless, continued to

[4] Quoted in Niles's Register, December, 1819.

[5] Rush's Residence, p. 112. For a full discussion of the question see the pamphlet by J. Freeman Rattenbury, entitled, "The Cession of the Floridas to the United States of America and the Necessity of Acquiring the Island of Cuba by Great Britain." London, 1819. The author makes the statement that a deputation of Cubans visited Washington during Jefferson's administration in the interests of annexation. No importance, however, is to be attached to this statement.

condemn in strong terms the treaty as well as the inaction of their government in not making it a pretext for the seizure of Cuba. Great Britain was watching the Spanish-American situation with the deepest interest, but she was not satisfied that the time had come for action, although the outrages perpetrated upon her commerce by the pirates who infested the coasts of Cuba and were secretly encouraged by the Spanish government, gave her ample cause for interference.

The United States also was annoyed by the pirates who made Cuba their headquarters, and reports that the United States was considering the question of the acquisition of that island gained some currency. Canning seems to have feared that the United States might seize Cuba as a guarantee against further depredations before England should be aroused to action. In the memorandum addressed to the cabinet November 15, 1822, he says: "It may be questioned whether any blow that could be struck by any foreign power in any part of the world would have a more sensible effect on the interests of this country, and on the reputation of its government. The possession by the United States of both shores of the channel, through which our Jamaica trade must pass, would, in time of war with the United States, or indeed of a war in which the United States might be neutral, but in which we continued (as we must do) to claim the right of search, and the Americans (as they would do) to resist it, amount to a suspension of that trade, and to a consequent total ruin of a great portion of the West Indian interests."

It was not necessary, he thought, to declare war against Spain, for "she has perhaps as little direct and

available power over the colonies which she nominally retains, as she has over those which have thrown off her yoke. Let us apply, therefore, a local remedy to a local grievance, and make the ships and harbors of Cuba, Porto Rico, and Porto Cabello answerable for the injuries which have been inflicted by those ships, and the perpetrators of which have found shelter in those harbors." Canning recommended, therefore, that the naval force in the West Indies should be strengthened so as to completely blockade the ports of Porto Rico and Porto Cabello. As to Cuba, the squadron already in the neighborhood of that island he thought sufficient to clear it of pirates. "In any case," he concludes, "the presence of our squadron in the neighborhood of the Havannah cannot be otherwise than desirable with a view to keep in check the Americans, who, whatever they might do in the absence of an English squadron, would hardly venture in the face of one to assume the military occupation of the island."[6]

The presence of the British squadron in Cuban waters caused considerable uneasiness in the United States. The unheeded protest of Great Britain at the Congress of Verona seemed to render probable an alliance with Spain, in which case it was feared that a compensation would be sought in the occupation of Cuba by Great Britain as a guarantee of Spanish bonds, if not as a permanent acquisition. In order to counteract British influence, Mr. Forsyth, our representative at Madrid, attempted in conversation with officials and members of the Cortes to remove all ap-

[6] Stapleton: Official Correspondence of Canning, Vol. I, p. 48 ff.

prehensions as regarded the designs of the United States upon Cuba, by stating that as there was little chance of its passing into our hands and as a transfer to England or France would be followed by the abolition of slavery which would jeopardize the peace of our Southern states, it was to our interests for Spain to remain in possession. Furthermore, he suggested unofficially to members of the Cortes that if Spain would immediately recognize the governments of Colombia and Mexico and adopt a liberal system of commerce, a guarantee of the island from Colombia, Mexico, and the United States might be procured.[7]

The government at Washington was in great doubt as to the designs of the European powers upon Cuba and consequently as to the means of counteracting them. As regarded cession to Great Britain, Mr. Adams wrote that Spain, though disinclined to the transfer, might resist it with more firmness, if, for a limited period of time, she could obtain the joint guarantee of the United States and France, securing the island to herself.[8]

As the preparations of France for the invasion of Spain progressed the fate of Cuba became a question of absorbing interest in America. There was little hope that the island would continue a dependency of Spain. It was again reported that Great Britain had engaged to supply the constitutional government of Spain with money in her struggle with France and would occupy Cuba as a pledge for its repayment. Both Spanish and French journals spoke of British

[7] Mr. Forsyth to Mr. Adams, November 20, 1822. H. Ex. Doc. No. 121, Thirty-second Congress, First Sess.

[8] Mr. Adams to Mr. Forsyth, December 17, 1822. Ib.

occupation of Cuba as a matter no longer to be doubted, and the presence in the West Indies of an extra British squadron, sent nominally for the purpose of suppressing piracy, seemed to lend color to the reports.[9]

The British press was clamoring for the acquisition of Cuba. The Packet declared: "The question then comes to this, shall England occupy Cuba, or by permitting its acquisition by the United States (which they have long desired) sacrifice her whole West India trade? There can be no hesitation as to the answer."

At the same time certain memoranda relative to the seizure of Cuba, prepared by Colonel De Lacy Evans, were presented by Canning to the cabinet. The first deals with the subject from a military point of view, claiming that the occupation of the island would not be so difficult a task as usually stated. The second stated that the possession of Cuba would counterpoise the acquisition of the Floridas by the United States, which enlargement of dominion in itself menaced the British West Indies. Great Britain would also be in a better position for dealing with the complicated problem of slavery.

The third memorandum gives the arguments that might morally and politically be insisted on under the circumstances of the French invasion and occupation of Spain and the cession of the Floridas to the United States.[10]

The British government, however, officially disclaimed all designs upon Cuba, but this disclaimer did not fully reassure the American government, and our

[9] Niles's Register, March and April, 1823.
[10] Official Correspondence of Canning, Vol. I, p. 116.

representatives abroad were instructed to exercise a close scrutiny upon all negotiations between Spain and England. In the spring of 1823 Mr. Forsyth was succeeded by Mr. Nelson at the court of Madrid. In his instructions to the new minister, which went much beyond the usual length and were occupied almost exclusively with a discussion of the Cuban question, John Quincy Adams uses the following remarkable words:

"In looking forward to the probable course of events for the short period of half a century, it seems scarcely possible to resist the conviction that the annexation of Cuba to our Federal Republic will be indispensable to the continuance and integrity of the Union itself."

We were not then prepared for annexation, he continued, "but there are laws of political as well as physical gravitation; and if an apple, severed by the tempest from its native tree, cannot choose but fall to the ground, Cuba, forcibly disjoined from its own unnatural connection with Spain, and incapable of self-support, can gravitate only towards the North American Union, which, by the same law of nature, cannot cast her off from its bosom." [11]

President Monroe consulted Jefferson on the subject of Spanish-American affairs and the entanglements with European powers likely to arise therefrom. Jefferson replied, June 11, 1823:

"Cuba alone seems at present to hold up a speck of war to us. Its possession by Great Britain would indeed be a great calamity to us. Could we induce her to join us in guaranteeing its independence against all

[11] H. Ex. Doc. No. 121, Thirty-second Cong., First Sess.; also Brit. and For. St. Pap., Vol. XLIV, pp. 114-236.

the world, except Spain, it would be nearly as valuable as if it were our own. But should she take it, I would not immediately go to war for it; because the first war on other accounts will give it to us, or the island will give itself to us when able to do so." [12]

Jefferson, however, withdrew this suggestion several days later, after receiving information that the inhabitants of the island were not themselves inclined to British supremacy. He says:

"I had supposed an English interest there quite as strong as that of the United States, and therefore to avoid war and keep the island open to our commerce, it would be best to join that power in mutually guaranteeing its independence. But if there is no danger of its falling into the possession of England, I must retract an opinion founded on an error of fact. We are surely under no obligation to give her gratis an interest which she has not; and the whole inhabitants being averse to her, and the climate mortal to strangers, its continued military occupation by her would be impracticable. It is better, then, to lie still in readiness to receive that interesting incorporation when solicited by herself, for certainly her addition to our confederacy is exactly what is wanted to round our power as a nation to the point of its utmost interest." [13]

Again, October 24, 1823,[14] Jefferson advocated the peaceful acquisition of Cuba, but preferred to see it independent rather than obtained by war.

Henry Clay had espoused the cause of the South American republics at an early period of their struggle and labored incessantly for the recognition of their

[12] Jefferson's Works, Vol. VII, p. 288.
[13] Jefferson's Works, Vol. VII, p. 299. [14] Ib., p. 316.

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independence, which was acknowledged by the United States in the spring of 1822. The declaration of President Monroe the following year in his annual message to Congress, followed shortly afterwards by the refusal of Canning to take part in a conference to be held at Paris by the powers of Europe for the consideration of Spanish-American affairs, put a final check upon the combined action of Europe against the young republics. The fate of Cuba, however, still continued to furnish an interesting topic for newspaper conjectures and for several years reports of a cession to France or of a temporary occupation by French troops were rife.

What further complicated matters, was the determination on the part of the governments of Mexico and Colombia, in case of a continuance of the war by Spain, to seize the island for purposes of defence. Early in the year 1825 the United States had undertaken to mediate with Spain for recognition of her late colonies, and had requested the principal European powers to advise Spain of the justice and expediency of a speedy termination of hostilities. In order that these efforts might not be thwarted, the United States urged Colombia and Mexico to withhold their attack upon Cuba until sufficient time should have elapsed to ascertain the result of the pacific efforts which the powers of Europe were believed to be making on Spain.[15]

Mr. Clay's efforts to secure the mediation of the powers were hopeless and their success would have been useless, for Spain was determined not to listen to counsels that warned her against her fatal persistency

[15] Mr. Clay to Mr. Salazar, December 20, 1825. Brit. and For. St. Pap., Vol. XIII.

in a ruinous policy. England was greatly interested in the suspension of hostilities, but her relations with Spain were not such as to admit of her offering advice. France had the strongest interest in securing an adjustment, but France was under the influence of the Holy Alliance; while the head of the alliance, the emperor of Russia, upheld on principle the sovereignty of Spain.

Meanwhile Mr. Clay urged upon Spain the necessity of terminating the war as the only means of preserving her dominion over the islands of Cuba and Porto Rico. "If the war should continue," he says, "between Spain and the new republics, and those islands should become the object and the theatre of it, their fortunes have such a connection with the prosperity of the United States that they could not be indifferent spectators; and the possible contingencies of such a protracted war might bring upon the government of the United States duties and obligations which, however painful it should be, they might not be at liberty to decline."[17]

During the summer of 1825, while the negotiations above related were in progress, a large French squadron visited the West Indies and hovered for several weeks about the coasts of Cuba. This action on the part of the French government, without explanation, excited the alarm of both England and the United States and drew forth strong protests from Mr. Canning and from Mr. Clay. Canning wrote to Granville, the British minister at Paris, that he could not

[16] Am. St. Pap., For. Rel., Vol. V, p. 850 ff.

[17] Slidell's Report on Cuba, 1859. Sen. Report, No. 351, Thirty-fifth Cong., Second Sess.

consent to the occupation of Havana by France, even as a measure of protection against the Spanish-American republics.[18] Again some two months later he writes:

"As to Cuba you cannot too soon nor too amicably, of course, represent to Villèle the impossibility of our allowing France (or France us, I presume) to meddle in the internal affairs of that colony. We sincerely wish it to remain with the mother-country. Next to that I wish it independent, either singly or in connection with Mexico. But what cannot or must not be, is that any great maritime power should get possession of it. The Americans (Yankees, I mean) think of this matter just as I do."[19]

The expressions of the United States, as to the designs of France, were equally emphatic as those of England. Mr. Clay declared "that we could not consent to the occupation of those islands by any other European power than Spain under any contingency whatever."[20]

In this connection Canning wished to bring about the signature, by England, France, and the United States, of "ministerial notes, one between France and the United States, and one between France and Great Britain, or one tripartite note signed by all, disclaiming each for themselves, any intention to occupy Cuba, and protesting against such occupation by either of the others."[21] The government of the United States

[18] Official Corresp. of Canning, Vol. I, p. 265.
[19] Official Corresp. of Canning, Vol. I, p. 275.
[20] Am. St. Pap., For. Rel., Vol. V, p. 855. Also Wharton's Digest, Sec. 60.
[21] Stapleton: Pol. Life of Canning, Vol. III, p. 154.

held this proposal under advisement, but on France declining, it was dropped.[22]

In 1826 when an attack upon Portugal was feared Canning advised, in case of such an attack, the immediate seizure of Cuba by Great Britain as more effective than half a dozen Peninsular campaigns.[23]

The Cuban question was involved in the long debate on the proposal of the executive of the United States to send delegates to the congress of Spanish-American republics assembled at Panama in 1826. This debate occupied the attention of Congress during the winter and spring of 1826, and was engaged in with great earnestness. One of the chief objections to the proposed mission was the fact that the question of Cuba and Porto Rico would come up and that the United States government had already committed itself to the foreign powers on that subject. The report of the Senate committee on foreign relations declared that, "The very situation of Cuba and Porto Rico furnishes the strongest inducement to the United States not to take a place at the contemplated congress, since, by so doing, they must be considered as changing the attitude in which they hitherto have stood as impartial spectators of the passing scenes, and identifying themselves with the new republics." [24]

The Southern members were united in their opposition to the Panama mission, and in fact to any closer alliance with the new republics, for the reason that the latter had adopted the principle of emancipation

[22] Mr. Clay to Mr. King, October 25, Wharton's Digest, Sec. 60.

[23] Canning to Earl of Liverpool, October 6, 1826.

[24] Am. St. Pap., For. Rel., Vol. V, p. 863.

and any further extension of their influence would jeopardize the institution of slavery in the United States. For the same reason they were opposed to the transfer of Cuba to any other European power. If a change from its connection with Spain were necessary they favored annexation by the United States, and meantime they were strongly opposed to the government entering into any engagement with foreign powers or in any way committing itself on the Cuban question.[25]

The declaration of Mr. Clay against the interference of England and France in the affairs of Cuba was consistently adhered to under the administrations of Jackson and Van Buren.

Meanwhile the open violation on the part of Spanish subjects of the provisions of the Anglo-Spanish treaty of 1817 for the suppression of the slave trade, and the inability or disinclination of the Spanish government to secure the observance of that treaty afforded the British government a strong pretext for interference in Cuba. Under the treaty a mixed commission had been organized at Havana to adjudicate upon the claims of the commanders of British cruisers for the condemnation, as prizes, of vessels taken by them engaged in the illicit traffic. The decisions of this commission were more or less of a farce. As the two commissary judges rarely ever agreed upon the evidence submitted, they usually found it necessary to call in an arbiter. As Spanish arbiters always decided in favor of the Spanish commanders and English arbiters in favor of the English commanders, the judges regu-

[25] Benton's Abridgment, Vol. VIII, pp. 427, 428, and Vol. IX, pp. 90-218.

larly resorted to the device of choosing by lot the arbiter for each individual case. Thus thousands of slaves fresh from the coast of Africa were yearly exposed for sale on the barracoons of Havana.[26]

In 1838-39, the British government dispatched special commissioners to Cuba and Porto Rico to report on the condition of the slave trade. The presence of these agents in Cuba gave rise to reports that Great Britain contemplated revolutionizing the island, or at least occupying it for the purpose of suppressing the slave trade. The United States gave Spain to understand that we would not consent to British control in whatever way it might be brought about. Mr. Forsyth wrote to Mr. Vail, our representative at Madrid, July 15, 1840:

"You are authorized to assure the Spanish government, that in case of any attempt, from whatever quarter, to wrest from her this portion of her territory, she may securely depend upon the military and naval resources of the United States to aid her in preserving or recovering it."[27]

Again, Mr. Webster in January, 1843, wrote to Mr. Campbell, United States consul at Havana:

"The Spanish government has long been in possession of the policy and wishes of this government in regard to Cuba, which have never changed, and has repeatedly been told that the United States never would permit the occupation of that island by British agents or forces upon any pretext whatever; and that

[26] Turnbull: Cuba, Porto Rico and the Slave Trade, pp. 40-41, London, 1840.

[27] H. Ex. Doc. No. 121, Thirty-second Cong., First Sess.; also Wharton's Digest, Sec. 60.

in the event of any attempt to wrest it from her, she might securely rely upon the whole naval and military resources of this country to aid her in preserving or recovering it." [28]

A copy of this letter was also sent to Washington Irving, our representative at Madrid to make such use of as circumstances might require.[29]

In reference to a report that Great Britain was endeavoring to cause the Creoles and blacks to unite in the emancipation of slaves and to convert the island into a black military republic under British protection, Mr. Webster wrote:

"If this scheme should succeed the influence of Britain in this quarter, it is remarked, will be unlimited. With 600,000 blacks in Cuba, and 800,000 in her West India islands, she will, it is said, strike a death-blow at the existence of slavery in the United States." [30]

During the first period of our Cuban diplomacy the efforts of this government were directed toward preventing the acquisition of the island or the establishment of a protectorate over it by Great Britain or France. With the Mexican war, however, and the consciousness of national expansion and the growing conviction of "manifest destiny," our foreign policy assumed a much bolder and more aggressive character, and during the next fifteen years all manner of schemes for the southward extension of our territory were suggested and many of them actually undertaken.

[28] Wharton's Digest, Sec. 60.

[29] Mr. Upshur, who succeeded Mr. Webster as secretary of state, wrote to Mr. Irving to the same effect, October 10, 1843.

[30] Mr. Webster to Mr. Irving, January 17, 1843.

Cuba became an object of desire, not only in the eyes of the slave-holding population of the South as an acquisition to slave territory, but of a large part of the nation, by reason of its strategic importance commanding the inter-oceanic transit routes of Central America, which formed the most available line of communication with our rapidly-developing interests in California. Consequently various attempts were made to annex the island to the United States, both by purchase from Spain and forcibly by filibustering expeditions.

As early as 1845 meetings were held in Illinois and memorials were addressed to Congress urging the expediency of authorizing the President to purchase Cuba, with the consent of the white population thereof.[31] During the next two years a number of resolutions to this effect were introduced in Congress and the matter was advocated extensively by the press. In July, 1847, the New York Sun had an editorial in favor of annexation, in which it was stated that Spain would part with Cuba for $100,000,000, and that the inhabitants of the island were so eager to be received into the American Union that they would raise the entire sum of the purchase money at a week's notice.[32]

In 1847 certain members of Parliament openly advocated the seizure of Cuba by Great Britain as a security for the interest on Spanish bonds held in England. This danger was considered another motive for a more aggressive policy on the part of the United States.

In June, 1848, under the administration of President

[31] Niles's Register, September, 1845.
[32] Niles's Register, July, 1847.

Polk, Mr. Buchanan, secretary of state, wrote to our minister at Madrid, directing him to open negotiations with the Spanish government for the purchase of Cuba. After referring to the dangers of British occupation and to the advantages of annexation, he says:

"Desirable, however, as this island may be to the United States, we would not acquire it except by the free will of Spain. Any acquisition not sanctioned by justice and honor would be too dearly purchased."

He stated that the President would stipulate for the payment of $100,000,000, as a maximum price.[33] This offer was rejected by the Spanish government. The minister of state after several months' delay finally replied "that it was more than any minister dare to entertain any such proposition; that he believed such to be the feeling of the country, that sooner than see the island transferred to any power, they would prefer seeing it sunk in the ocean."

Under the Whig administration of Taylor and Fillmore no effort was made for the purchase of Cuba. August 2, 1849, Mr. Clayton wrote to Mr. Barringer that the government did not desire to renew the negotiation for the purchase of Cuba made by the late administration, since the proposition had been considered by the Spanish government as a national indignity; that should Spain desire to part with Cuba, the proposal must come from her.

About this time active preparations were going on for the invasion of Cuba by an armed expedition under the Cuban patriot Narciso Lopez, a native of Venez-

[33] Mr. Buchanan to Mr. Saunders, June 17, 1848, H. Ex. Doc. No. 121, Thirty-second Cong., First Sess.; also Brit. and For. St. Pap., Vol. XXVI.

uela, who had served with the rank of major-general in the first Carlist war and as governor of Valencia, and had subsequently held offices of honor under Spain in Cuba. On the 11th of August, 1849, President Taylor issued a proclamation warning all citizens of the United States against taking part in such expedition and saying, "No such persons must expect the interference of this government in any form on their behalf, no matter to what extremities they may be reduced in consequence of their conduct."[34]

A few days later the entire force of Lopez was arrested by United States marshals just as it was on the point of leaving New York.

Nothing daunted, Lopez traveled through the southern and southwestern states secretly enlisting men and making arrangements for their transportation to Cuba. Many men of prominence at the south were in open and avowed sympathy with the enterprise. In the spring of 1850, Lopez called upon Gen. John A. Quitman, governor of Mississippi, who had served with great distinction in the Mexican war, and offered him, in the name of his compatriots, the leadership of the revolution and the supreme command of the army. Quitman's sympathies were thoroughly enlisted in the movement, but he declined the honor on account of the serious aspect of political affairs, particularly what he considered the encroachments of the federal government upon the rights of the states. He made liberal contributions of money, however, and gave Lopez sound advice about his undertaking, insisting that he must have an advance column of at

[34] Messages and Papers of the Presidents, Vol. V, p. 7.

least 2000 men to maintain a footing on the island until reinforcements could go to their aid.[85]

Unfortunately for Lopez he did not follow the advice of Quitman. A company of volunteers altogether inadequate for the successful accomplishment of the enterprise was collected at New Orleans. There Lopez chartered a steamer, the *Creole*, and two barks, the *Georgiana* and the *Susan Loud*. Three-fourths of the volunteers had served in the Mexican war. The first detachment comprising 250 men left New Orleans in the bark *Georgiana*, April 25, 1850, under the command of Col. Theodore O'Hara. They proceeded to the island of Contoy off the coast of Yucatan in the territory of Mexico. There they were joined three weeks later by Lopez and 450 followers in the *Creole*. The entire command, with the exception of the crews

[85] Life and Corresp. of John A. Quitman, by J. F. H. Claiborne, Vol. II, pp. 55-56 and Appendix p. 385.

In June the Grand Jury of the United States Circuit Court at New Orleans found a bill against John A. Quitman, John Henderson, Governor of Louisiana, and others, for setting on foot the invasion of Cuba. Quitman's view of state sovereignty did not admit the right of the United States Courts to proceed against the chief executive of a sovereign state. He sought the advice of friends throughout the south as to what course he should pursue. None of them admitted the right of the United States Courts to indict him and several of them advised him that it was his duty to assert the principle of state sovereignty even to the point of calling out the state militia to protect him against arrest. Others advised him to submit under protest so as to avoid an open breach. This course was finally adopted, and when the United States marshal appeared on the 3rd of February, 1851, to take him into custody, he yielded, causing at the same time an address to be issued to the people of Mississippi, in which he resigned the office of governor. After proceedings which lasted two months, Henderson was acquitted and the charges against Quitman and the others dismissed.

of the two barks and a few others to guard the stores, was embarked in the *Creole* and started for Matanzas, which had been chosen as the first point of attack, but later fearing that the Spaniards were aware of their intentions, they decided to land at Cardenas instead. The landing was easily effected about midnight, the garrison surprised, and the fort taken by assault. In about three hours the filibusters held the town and the terminus of the railroad connecting it with Matanzas. Then Lopez issued his call for volunteers, but not a native responded.

Meanwhile the alarm had gone forth, the Spaniards were collecting and arming, and the position of the invaders was becoming hourly more critical. After holding the city for twelve hours Lopez reluctantly gave orders to his men to reimbark. A council of war was then held and the officers having decided against the protest of Lopez, that it was inexpedient to attempt another landing, owing to the indecision of the native population, the steamer headed for Key West. Thither they were pursued by the *Pizarro*, a Spanish war vessel, which steamed into the harbor just as they cast anchor. For a few moments the Spaniards seemed to be on the point of preparing to open fire on the *Creole*, but when they saw the United States custom-house officers take possession of her they changed their minds and left the harbor.

The two barks, *Georgiana* and *Susan Loud*, which had been left with a small guard at the island of Contoy, were captured by Spanish war ships, taken to Havana, condemned as prizes and the men put on trial for participation in the Lopez expedition. As these men had committed no act of hostility against

Spain, and had, moreover, been seized on neutral territory, the United States government at once issued its protest and demanded their release. The Spanish government replied that these men had been described as pirates by the President of the United States in his proclamation warning citizens against joining the expedition and were, therefore, beyond the pale of the protection of the United States. After heated negotiations which lasted several months and seriously threatened the peace of the two countries, the prisoners were released, but it was declared to be an act of grace on the part of the Queen and not a concession to the demands of the United States.[38]

Lopez was prosecuted by the United States government for violation of the neutrality laws, but escaped conviction and at once set about organizing another expedition. On the 3rd of August, 1851, the third and last expedition of Lopez, consisting of over 400 men, left New Orleans. Some time before, a slight insurrectionary movement, which was soon suppressed, had broken out in the eastern part of the island of Cuba. The extent of this insurrection had been greatly exaggerated and had led the filibusters to expect upon their arrival a rising of the whole Creole population. After touching at Key West the steamer proceeded to the coast of Cuba and landed the expedition at Bahia Honda on the 12th of August. The main body under Lopez proceeded into the country where they had been led to expect a general uprising of the Cubans. Col. W. S. Crittenden, who had served with bravery in the Mexican war, was left in command of a smaller body to bring up the baggage. This de-

[38] Sen. Ex. Doc. No. 41, Thirty-first Cong., Second Sess.

tachment was attacked on the 13th and after a bloody fight forced to retreat to the place where they had landed, where about fifty of them obtained boats and tried to escape. They were, however, intercepted off the coast, taken to Havana, sentenced before a military court, and executed on the 16th.

The main body under Lopez were overcome and dispersed by Spanish troops on the 24th. Lopez was taken prisoner, tried and sentenced. The execution was carried out on the first of September. He was strangled by the garrote. Many of his followers were killed or died of hunger and fatigue and the rest made prisoners. Upon receipt of this news Commodore Parker was at once ordered to proceed in a frigate to Havana to inquire into the charges against the prisoners executed, and the circumstances of their capture, trial and sentence. To these inquiries the captain-general replied that he considered those executed as pirates, that they had been so denounced by the President of the United States in his proclamation, that he was not at liberty to furnish a copy of the court records, but would send them to Madrid and to the Spanish minister at Washington.[37]

When the news of the executions at Havana reached New Orleans the excitement was intense. The office of the Spanish consul was broken into, portraits of the Queen and Captain-General of Cuba defaced, the Spanish flag torn in pieces, and the consul burned in effigy in La Fayette Square. The consul had to flee from the city for safety and the property of

[37] H. Ex. Doc. No. 1, Thirty-second Cong., First Sess.; also 2d Annual Message of Fillmore, December 2, 1851. Messages and Papers of the Presidents, Vol. V, p. 113.

certain Spaniards residing in New Orleans was destroyed. A lengthy correspondence ensued between the two governments. The United States agreed to pay an indemnity for injuries to the public property of Spain, but not for the destruction of property belonging to Spanish residents, who were entitled only to the same protection afforded our own citizens.[38]

A few weeks after the last Lopez expedition the British and French representatives at Washington notified our government that orders had been issued to their squadrons in the West Indies to repel by force any attempts at the invasion of Cuba from any quarter. Our government replied that such action on the part of England and France could "not but be regarded by the United States with grave disapproval, as involving on the part of European sovereigns combined action of protectorship over American waters." [39]

In order to allay the uneasiness caused by the attempts of filibusters, supposed to be encouraged or at least connived at by the government of the United States, the Spanish government requested Great Britain and France, in January, 1852, to secure the signature by the American government in conjunction with them of an abnegatory declaration with respect to Cuba.[40] Accordingly in April, 1852, the British and French ministers at Washington brought the subject to the attention of this government in notes of the same date, suggesting a tripartite convention for the

[38] H. Ex. Doc. No. 1, Thirty-second Cong., First Sess.

[39] Mr. Crittenden to Comte de Sartiges, October 22, 1851. See also Pres. Fillmore to Mr. Webster and Mr. Webster's reply. 2 Curtis's Life of Webster, p. 551.

[40] Brit. and For. St. Pap., Vol. XLIV, Lord Howden to Earl Granville, January 9, 1852.

guarantee of Cuba to Spain, the main article of the proposed draft being as follows:

"The high contracting parties, by the present convention, disavow separately and collectively, for the present as for the future, all intention to obtain possession of the island of Cuba; and they respectively bind themselves to discountenance, as far as it shall be in their power, all attempts to that effect on the part of any power or individuals whatever.

"The high contracting parties declare, severally and collectively, that they will not obtain or maintain, for themselves or for any one of them, any exclusive control over the said island, nor assume nor exercise any dominion over the same." [41]

In acknowledging the notes of England and France proposing the convention Mr. Webster replied separately of course, but to the same effect. In his note to M. de Sartiges he used the following words:

"It has been stated and often repeated to the government of Spain by this government, under various administrations, not only that the United States have no design upon Cuba themselves, but that, if Spain should refrain from a voluntary cession of the island to any other European power, she might rely on the countenance and friendship of the United States to assist her in the defence and preservation of that island. At the same time it has always been declared to Spain that the government of the United States could not be expected to acquiesce in the cession of Cuba to an European power. . . . The President will take M. de Sartiges's communication into consideration and give

[41] Comte de Sartiges to Mr. Webster, April 23, 1852. Sen. Ex. Doc. No. 13, Thirty-second Cong., Second Sess.

it his best reflections. But the undersigned deems it his duty, at the same time, to remind M. de Sartiges, and through him his government that the policy of the United States has uniformly been to avoid, as far as possible, alliances or agreements with other states, and to keep itself free from national obligations, except such as affect directly the interests of the United States themselves." [42]

The matter was again urged upon the United States by the British and French governments in lengthy notes to Mr. Webster, dated July 9, 1852, in which the indefeasibility of the Spanish title to the island and its bearings upon the neutrality of the proposed Central American canals were dwelt upon. The death of Mr. Webster postponed for some time the answer of the United States to the proposal.

The government finally set forth its reasons for declining to enter into the proposed agreement, in a note written by Mr. Everett December 1, 1852. He said that although the President did not covet the acquisition of Cuba for the United States, at the same time he considered the condition of that island as mainly an American question; that it was doubtful whether the treaty-making power could constitutionally impose a permanent disability upon the government; that our policy had always been against "entangling alliances"; that the compact, although equal in terms, would be very unequal in substance, as the relations of the United States with the island were much more intimate than those of Europe; and finally that "no administration of this government, however strong in

[42] Mr. Webster to Comte de Sartiges, April 29, 1852. To Mr. Crampton, same date, to same effect.

public confidence in other respects, could stand a day under the odium of having stipulated with the great powers of Europe, that in no future time, under no change of circumstances" should the inhabitants of this island, like those of the other Spanish possessions on this continent, succeed in rendering themselves independent.[43]

Although written in a style somewhat too rhetorical for a state paper, Mr. Everett's letter is nevertheless one of the best statements of the Monroe doctrine that has appeared, and although the question at issue was generally regarded as a southern question, he dealt with it in an unbiased, patriotic and statesmanlike manner.

In the event of the refusal of the United States to sign the proposed convention, the Spanish government had requested that England and France would set forth a declaration to the effect that they would never allow any other power, European or American, to obtain possession of Cuba at any time by cession, conquest, or insurrection. This was suggested as an off-set to the declaration made by the United States on former occasions not to allow any European power to obtain possession of the island.[44]

With the growth of the slavery conflict, which had now become paramount to all other questions, the annexation of Cuba had become a party issue, and the return of the Democratic party to power, in 1853, was hailed by the southern extremists as a signal for the acquisition of the long-coveted prize. This expecta-

[43] Sen. Ex. Doc. No. 13, Thirty-second Cong., Second Sess.; also Wharton's Digest, Sec. 72, p. 562.

[44] Brit. and For. St. Pap., Vol. XLIV.

tion was further heightened by the declaration of President Pierce, in his inaugural address, that the policy of his administration would "not be controlled by any timid forebodings of evil from expansion," and that the acquisition of certain possessions not within our jurisdiction was "eminently important for our protection, if not in the future essential for the preservation of the rights of commerce and the peace of the world."

Whatever the personal views of the President on the subject of the foreign policy of the administration may have been, he placed at the head of the department of state a very able man, and one well qualified to handle the difficult problems that arose, Mr. Wm. L. Marcy of New York. He has, nevertheless, been harshly dealt with by the historians of this period, and his conduct of our foreign affairs characterized as "jingoism" and base truckling to the slave interests. An impartial study of the diplomatic correspondence of the period reveals the manifest injustice of such a judgment. Mr. Marcy's utterances on the Cuban question may creditably be compared with those of John Quincy Adams and Henry Clay, but the student who studies this period with nothing but the slavery conflict in view is easily led to look at them in a different light.

For the mission to Spain the President selected Pierre Soulé of Louisiana, a Frenchman by birth and education, who had been exiled for political reasons. His appointment under the circumstances created unfavorable comment both in this country and in Europe, and his sojourn of several days at Paris on the way to his post at Madrid caused the French government some annoyance. Louis Napoleon advised the court of Madrid not to receive him, as his views on the Cu-

ban question were well known to be of a radical character.

In his instructions to Mr. Soulé, July 23, 1853, Mr. Marcy emphasized the importance of our relations with Spain in view of the rumors of contemplated changes in the internal affairs of Cuba and of the recent interposition of England and France. In regard to the policy of the administration with respect to the island, he says:

"Nothing will be done, on our part, to disturb its present connection with Spain, unless the character of that connection should be so changed as to affect our present or prospective security. While the United States would resist, at every hazard, the transference of Cuba to any European nation, they would exceedingly regret to see Spain resorting to any power for assistance to uphold her rule over it. Such a dependence on foreign aid would, in effect, invest the auxiliary with the character of a protector, and give it a pretext to interfere in our affairs, and also generally in those of the North American continent."

As to the possibility of purchase, he says:

"Under certain conditions the United States might be willing to purchase it; but it is scarcely expected that you will find Spain, should you attempt to ascertain her views upon the subject, at all inclined to enter into such a negotiation. There is reason to believe that she is under obligations to Great Britain and France not to transfer this island to the United States. . . . In the present aspect of the case the President does not deem it proper to authorize you to make any proposition for the purchase of that island."

He states that the United States would cordially

favor the voluntary separation of the island from Spain, and "would be willing to contribute something more substantial than their good-will" toward establishing its independence. In conclusion he instructed Mr. Soulé to try to negotiate a commercial treaty with Spain favorable to our trade with Cuba, and pointed out the urgent necessity of allowing a "qualified diplomatic intercourse between the captain-general of that island and our consul at Havana, in order to prevent difficulties and preserve a good understanding between the two countries."[45] The difficulty of settling disputes arising in Cuba had been the subject of frequent remonstrances on the part of the United States. The captain-general was clothed with almost "unlimited powers for aggression, but with none for reparation." He exercised no diplomatic functions and was in no way subject to the authority of the Spanish minister at Washington. The position taken by Mr. Marcy in this letter and in his letter written a short time before to Mr. Buchanan at the court of London, was in full accord with the views of his predecessors for a generation past.

Upon the arrival of Mr. Soulé in Spain, he found that Mr. Calderon, the head of the cabinet, was strongly opposed to any commercial treaty or agreement which would promote intercourse between the United States and the dependencies of Spain, and equally averse to allowing the captain-general any diplomatic powers.[46] Mr. Soulé was by nature hot-

[45] H. Ex. Doc. No. 93, Thirty-third Cong., Second Sess., p. 3.

[46] Mr. Soulé to Mr. Marcy, November 10, and December 23, 1853, and January 20, 1854.

headed and impetuous and could suffer anything sooner than enforced inactivity. Whatever may have been the intentions of the executive in sending him, he had come to Madrid for the purpose of consummating the long-cherished scheme of acquiring Cuba. Accordingly, on the 23rd of February, 1854, he wrote to Mr. Marcy that the affairs of the Spanish government were about to reach a crisis, that a change of ministry was imminent, and that contingencies involving the fate of Cuba were likely to arise which might be of great interest to the United States. He, therefore, asked for definite instructions. Relying upon these representations and upon Mr. Soulé's judgment, Mr. Marcy transmitted in due time the necessary powers, authorizing him to negotiate with Spain for the purchase of Cuba, or for its independence, if such an arrangement would be more agreeable to Spanish pride, in which event the United States would be willing to contribute substantial aid to the result.

In the meantime, however, the *Black Warrior* affair had strained the relations of the two countries almost to the point of rupture. This case, involving the seizure of an American steamer by Spanish officials at Havana for an unintentional violation or neglect of custom-house regulations, was of an unusually exasperating character. The *Black Warrior*, owned by the New York and Alabama Steamship Company, had been running for over eighteen months between Mobile and New York, stopping twice a month at Havana to let off and receive passengers and mail without breaking cargo. On the 28th of February, 1854, the ship entered the harbor of Havana with over 900 bales of cotton in transitu for New York. The captain de-

livered to the custom-house officers his manifest in ballast, as had been customary, without mentioning the cotton, according to a form furnished him, he claimed, by one of the officers of the port. In any event there was no intention of fraud, as no secret had ever been made of cargo of this kind and the Spanish officials who boarded the steamer twice each month could not plead ignorance. When the ship was ready to leave the harbor and the agent applied for a pass, it was refused on the ground that the cargo had been omitted in the manifest, and he was informed that the cotton was confiscated and the captain fined according to the custom-house regulations. When the officials demanded of the captain the delivery of the cargo, he refused and threatened in case of the use of force to abandon the ship. After some delay the Spaniards returned and began to unload, whereupon the captain hauled down the flag and with his officers and crew abandoned the ship to the Spanish authorities.

As soon as the department at Washington was fully informed of this outrage, Mr. Marcy forwarded all the documents in the case to Mr. Soulé and directed him to demand of the Spanish government a prompt disavowal of the act and the payment of an indemnity to the owners of the vessel and of the cargo, the extent of the injury being estimated at $300,000. On the 8th of April Mr. Soulé presented a formal demand on the part of his government. No answer to this note having been received, on the 11th he repeated his demands much more emphatically, calling for an indemnity of $300,000, insisting that all persons, whatever their rank or importance, who were concerned in the perpetration of the wrong, be dismissed from her ma-

jesty's service, and finally declaring that non-compliance with these demands within forty-eight hours would be considered by the government of the United States as equivalent to a declaration that her majesty's government was determined to uphold the conduct of its officers.

Mr. Calderon replied, on the 12th, that whenever her majesty's government should have before it the authentic and complete data, which it then lacked, a reply would be given to the demand of the United States conformable to justice and right; that the peremptory tone of Mr. Soulé's note suggested to the government of her majesty "a suspicion that it was not so much the manifestation of a lively interest in the defence of pretended injuries, as an incomprehensible pretext for exciting estrangement, if not a quarrel between two friendly powers." To this note Mr. Soulé replied that the suggestion made as to the motives of the United States in seeking redress was "but little creditable to the candor of her Catholic majesty's government, and comes in very bad grace from one who, like your excellency, cannot but be aware that the records of this legation, as well as those of her Catholic majesty's department of state, are loaded with reclamations bearing on grievances most flagrant, which have never been earnestly attended to and were met at their inception with precisely the same dilatory excuses through which the present one is sought to be evaded."

Meanwhile the aspects of the case were altogether changed by a private agreement between the Havana officials and the owners of the *Black Warrior*, by which the ship and her cargo were restored. Mr. Soulé continued, however, according to instructions from Wash-

ington, to demand compensation for the damages sustained by the owners and passengers not compensated for by the return of the ship and cargo, and also reparation for the insult to the United States flag.

The Spanish government, however, refused to recognize any ground for reparation after the restitution of the ship and cargo, and persisted in contradicting, without the support of any evidence whatever, the facts as presented by the United States, although they were all certified to in proper legal form.

On the 24th of June Mr. Marcy wrote that the President was far from satisfied with the manner in which our demands were treated by the Spanish government, but that before resorting to extreme measures he was determined to make a final appeal to Spain for the adjustment of past difficulties and for the guarantee of more friendly relations in the future. Although satisfied with the spirited manner in which Mr. Soulé had performed the duties of his mission, the President was considering the expediency of reinforcing the demands of the United States by the appointment of an extraordinary commission of two distinguished citizens to act in conjunction with him. He instructed him, therefore, not to press the affair of the *Black Warrior*, but to wait until the question of the special commission could be laid before Congress.

During the summer there was a change of ministry in the Spanish government, which, as was not infrequently the case, was attended with more or less serious disorders. In August Mr. Marcy wrote that in view of the unsettled condition of affairs in Spain and for other reasons not stated, the purpose of sending a special mission had, for the present at least, been aban-

doned. Without pressing matters he was, nevertheless, to avail himself of any opportunity, which might be presented, of settling the affairs in dispute and of negotiating with regard to Cuba.

Under same date (August 16, 1854) he proposed to Mr. Soulé another plan, that of consulting with Mr. Mason and Mr. Buchanan, our ministers at Paris and London. This suggestion, which led to the celebrated meeting at Ostend and the so-called manifesto, is best stated in Mr. Marcy's own words:

"I am directed by the President to suggest to you a particular step, from which he anticipates much advantage to the negotiations with which you are charged on the subject of Cuba. . . . It seems desirable that there should be a full and free interchange of views between yourself, Mr. Buchanan and Mr. Mason, in order to secure a concurrence in reference to the general object.

"The simplest and only very apparent means of obtaining this end is, for the three ministers to meet, as early as may be, at some convenient central point (say Paris), to consult together, to compare opinions as to what may be advisable, and to adopt measures for perfect concert of action in aid of your negotiations at Madrid.

"While the President has, as I have before had occasion to state, full confidence in your own intelligence and sagacity, he conceives that it cannot be otherwise than agreeable to you, and to your colleagues in Great Britain and France, to have the consultation suggested, and thus to bring your common wisdom and knowledge to bear simultaneously upon the negotiations at Madrid, London, and Paris."

The explanation of this sudden change of front on the part of the executive is to be found in the general alarm that was felt throughout the south at the proposed changes in the internal administration of Cuba. These changes, which involved not only the emancipation of slaves, but the inevitable Africanization of the island by the introduction of negroes from the coast of Africa under the name of apprentices, were dictated in whole or in part by Great Britain.

The British government had long urged upon Spain the expediency of emancipation in the West Indies. In 1851, just after the Lopez expeditions, Lord Palmerston wrote to the British representative at Madrid:

"I have to instruct your lordship to say to the Spanish minister that the slaves form a large portion, and by no means an unimportant one, of the people of Cuba; and that any steps taken to provide for their emancipation would therefore, as far as the black population is concerned, be quite in unison with the recommendation made by her majesty's government, that measures should be adopted for contenting the people of Cuba, with a view to secure the connection between the Spanish crown and the island; and it must be evident that if the negro population of Cuba were rendered free, that fact would create a most powerful element of resistance to any scheme for annexing Cuba to the United States, where slavery exists."

In 1853 the British government went much further and urged its policy upon Spain with even stronger logic. On the 31st of January, Lord John Russell wrote to Lord Howden, British ambassador to Spain:

"Your lordship may be assured, that however friendly the councils of her majesty may be to Spain;

whatever may be the interest of this country not to see Cuba in the hands of any other power than Spain; yet, in the eyes of the people of this country, the destruction of a trade which conveys the natives of Africa to become slaves in Cuba will furnish a large compensation for such a transfer. For such an exhibition of public feeling, the government of Spain should be prepared. Indeed, fairly speaking, it is impossible to believe that the government of Spain has been sincere in its efforts to abolish slave trade."

Continuing he calls attention to the fact that France had abolished the slave trade in 1819, and that in 1820 the United States had declared it piracy, and that as far as these two states were concerned the slave trade had long ceased to exist.[47] This was a clear intimation that Great Britain would see Cuba pass into the hands of the United States or France without raising objection, if such a transfer were the only means of putting a stop to the hateful traffic.

Spain protested against the threatening tone of this note, but it had its effect. Under date of March 16, Lord Howden wrote to his government that Spain had promised to give freedom to the emancipados of 1817 before the end of the year.[48]

The suspicions of the United States as to the extent of British influence upon Spanish policy were not groundless by any means. The action of Great Britain in offering to protect Cuba against invasions from the United States after the Lopez expeditions, and the proposal of the tripartite convention, as well as the

[47] Brit. and For. St. Pap., Vol. XLII, p. 335.

[48] Ibid., Vol. XLII, p. 335. See also Ballou, History of Cuba, Chap. 4.

fact that a large part of outstanding Spanish bonds were held by British subjects and that Lord Palmerston was pressing for some guarantee, strengthened the conviction that Spain would be compelled to yield to the dictation of British policy in the internal affairs of Cuba. The contemplated changes were never carried out in full, as the attention of England and France was soon diverted to the eastern question.

In accordance with the instructions of the President, Messrs. Soulé, Mason, and Buchanan proceeded to make arrangements for the proposed conference, and this was held at Ostend, in Belgium, October 9, 10, 11, 1854. They then adjourned to Aix-la-Chapelle for a week, where the reports of their proceedings were prepared.

The greater part of the report is taken up with (1) an enumeration of the advantages that would accrue to the United States from the acquisition of Cuba, and (2) an elaborate exposition of the ways in which the interests of Spain would be promoted by the sale. These arguments were perfectly familiar to the people of the United States and had been stated time and time again in the papers, in magazines and books, and on the floor of Congress. The dominant party in the United States needed no convincing on these points, and as for convincing the Spanish nation that it was to their interests to sell Cuba, the arguments of the plenipotentiaries of the United States were perfectly gratuitous. The only specific recommendation of the report was that a proposal should be made through the proper diplomatic channel to the Supreme Constituent Cortes about to assemble, to purchase Cuba from Spain, the maximum price to be $120,000,000. The report then proceeds to discuss the

question, what ought to be the course of the American government should Spain refuse to sell Cuba? The ministers declared:

"Our past history forbids that we should acquire the island of Cuba without the consent of Spain, unless justified by the great law of self-preservation. We must, in any event, preserve our own conscious rectitude and our own self-respect.

"Whilst pursuing this course we can afford to disregard the censures of the world, to which we have been so often and so unjustly exposed.

"After we shall have offered Spain a price for Cuba far beyond its present value, and this shall have been refused, it will then be time to consider the question, does Cuba, in the possession of Spain, seriously endanger our internal peace and the existence of our cherished Union?

"Should this question be answered in the affirmative, then, by every law, human and divine, we shall be justified in wresting it from Spain if we possess the power; and this upon the very same principle that would justify an individual in tearing down the burning house of his neighbor if there were no other means of preventing the flames from destroying his own home.

"Under such circumstances we ought neither to count the cost nor regard the odds which Spain might enlist against us. We forbear to enter into the question whether the present condition of the island would justify such a measure. We should, however, be recreant to our duty, be unworthy of our gallant forefathers, and commit base treason against our posterity, should we permit Cuba to be Africanized and become a second St. Domingo, with all its attendant horrors

to the white race, and suffer the flames to extend to our own neighboring shores, seriously to endanger or actually to consume the fair fabric of our Union." [49]

The scope of this report went entirely beyond anything outlined in the instructions of Mr. Marcy. The object of the conference was not to discuss the policy of the United States in regard to Cuba. The administration had already decided upon that. Mr. Soulé had been directed, whenever in his judgment the circumstances seemed favorable, to open negotiations with the Spanish government for the purchase of Cuba. For the purpose of furthering these negotiations he was directed to confer with our representatives at Paris and London, in order to prevent, if possible, the governments of France and England from throwing any impediments in the way of the transfer. The three ministers seem to have overlooked the fact that they were simply the servants of the administration, authorized to act in accordance with certain definite instructions, and to have assumed the much more important and agreeable role of dictating a policy to their home government.

The report also recommended that all proceedings in reference to the negotiations with Spain "ought to be open, frank, and public." This recommendation, together with the general character of the report, apparently indicates that its authors were rather bent on making political capital of the affair at home than on seriously furthering negotiations at Madrid.[50]

[49] H. Ex. Doc. No. 93, p. 127, Thirty-third Cong., Second Sess.

[50] The correspondence relating to the *Black Warrior* case and to the Ostend conference is contained in H. Ex. Doc. No. 93, Thirty-third Cong., Second Sess.

The whole affair was ridiculed at the time and attributed by a partisan press to the administration. The objectionable features of the report were politely but firmly repudiated by the state department in Mr. Marcy's reply to Mr. Soulé and Mr. Soulé promptly resigned his mission. This fact has been generally overlooked, while the unfortunate publicity given to the proceedings at Ostend has brought endless censure upon President Pierce and his cabinet.

The reply of Mr. Marcy to the report of the Ostend conference addressed to Mr. Soulé was dated, November 13, 1854. He says:

"The measure therein presented—the purchase of Cuba—is probably the only one which would with certainty place the relations of the two countries on the sure basis of enduring friendship. . . . But should you have reason to believe that the men in power are averse to entertaining such a proposition—that the offer of it would be offensive to the national pride of Spain, and that it would find no favor in any considerable class of the people, then it will be but too evident that the time for opening, or attempting to open, such a negotiation, has not arrived. It appears to the President that nothing could be gained, and something might be lost, by an attempt to push on a negotiation against such a general resistance."

In regard to certain portions of the report implying the alternative of cession or seizure, Mr. Marcy says:

"To conclude that, on the rejection of a proposition to cede, seizure should ensue, would be to assume that self-preservation necessitates the acquisition of Cuba by the United States; that Spain has refused, and will persist in refusing, our reclamations for injuries and

wrongs inflicted, and that she will make no arrangement for our future security against the recurrence of similar injuries and wrongs." [51]

He then directs Mr. Soulé to proceed with the negotiations in the *Black Warrior* case and to try to bring about some understanding between the two governments in regard to such cases in the future.

That Mr. Soulé regarded this dispatch as a disavowal on the part of the administration of the Ostend manifesto seems evident from his prompt reply tendering his resignation.

His reply, under date of December 17, 1854, says:

"Your dispatch of the 13th ultimo leaving me no alternative but that of continuing to linger here in languid impotence, or of surrendering a trust which, with the difficulties thrown in the way of its execution, I would strive in vain to discharge, either to the satisfaction of the government or to my own credit, you will not be surprised at the course which a sense of dignity has impelled me to adopt. I resign my commission of envoy extraordinary and minister plenipotentiary of the United States near this court, and beg of the extreme kindness of the President to be relieved

[51] Mr. Marcy's personal opinion is unmistakably expressed in a private letter to L. B. Shepard, Esq., of New York, April 15, 1855:

"The robber doctrine I abhor. If carried out it would degrade us in our own estimation and disgrace us in the eyes of the civilized world. Should the administration commit the fatal folly of acting upon it, it could not hope to be sustained by the country, and would leave a tarnished name to all future times. Cuba would be a very desirable possession if it came to us in the right way, but we cannot afford to get it by robbery or theft." Quoted by Prof. J. B. Moore in the Forum, May, 1896.

from duty, if at all possible, by the end of next January."

While the negotiations in regard to the settlement of the *Black Warrior* affair were pending, the Spanish government proposed the establishment of a mixed commission to sit at Madrid, on the basis of the convention entered into by the United States with Great Britain, February 3, 1853, for the purpose of adjusting all claims for reparation and indemnity for injuries suffered by private individuals then pending between the governments of the United States and Spain. The government of the United States replied that it would be perfectly willing to entertain the proposed arrangement, if it were to apply only to such cases as might involve disputable facts or principles of a doubtful import, but that the large majority of the claims it had pressed upon the government of Spain were not of that character.

In spite of the "jingo" policy attributed to this administration, the complications arising out of the seizure of the *Black Warrior* were not made a casus belli, as might easily have been done. After Mr. Soulé's return to the United States the negotiations were continued by his successor. The conduct of the officials concerned in the seizure was disavowed, and the indemnity claimed by the American citizens concerned was paid. The administration closed on terms of comparative friendship with Spain, although there were numbers of claims still unadjusted.

The Cuban question figured conspicuously in the campaign of 1856. The platform of the Democratic party was strongly in favor of acquisition, while the new Republican platform stigmatized the Ostend manifesto as the highwayman's plea.

Until the Buchanan administration all negotiations for the purchase of Cuba had been undertaken under the authority of the executive alone. An effort was now made to get the two houses of Congress to concur in an appropriation for this purpose. It was thought that united action on the part of the legislative and executive branches of the government would produce some impression on Spain. Accordingly, in his second, third, and fourth annual messages, President Buchanan brought the matter to the attention of Congress, but his appeal met with little encouragement.

In January, 1859, Senator Slidell, the chairman of the Senate Committee on Foreign Relations, reported a bill carrying $30,000,000, to be placed at the disposal of the President as a preliminary sum for the purchase of Cuba.[52] His report was very elaborate, giving all the diplomatic correspondence of importance not hitherto transmitted to Congress, and extracts from that already published. After citing historical documents to show that the acquisition of Cuba was always contemplated by the United States government, he represented that there were but three possible alternatives for Cuba:

(1) Possession by one of the great European powers.

(2) Independence, which would be only nominal. It would eventually fall under some protectorate, open or disguised.

(3) Annexation to the United States.

This report created violent opposition, and in Feb-

[52] Sen. Report No. 351, Thirty-fifth Cong., Second Sess., Vol. I.

ruary the bill was withdrawn by Mr. Slidell at the urgent request of his friends.

The relations with Spain during this administration, although not on as precarious a footing as during Pierce's administration, were nevertheless in a very uneasy condition. There were a large number of claims still outstanding. The most important of these were the demands for the refunding of duties illegally exacted from American vessels at custom-houses in Cuba as far back as 1844. Whenever these claims were urged upon the Spanish government our minister was met with the objection that the claimants in the Amistad case[53] had never received satisfaction from our government, although their rights had been recognized by the state department. At first, in 1841, Mr. Webster had declared these claims unfounded.

[53] The Amistad case was a very peculiar one. In August, 1839, two Cubans left Havana in a vessel bound for the eastern part of the island with a cargo of 54 slaves, destined for their plantation. These negroes had been recently imported from Africa in violation of Spanish law and sold in Havana. In the course of the voyage the negroes rose in mutiny, murdered the captain and crew and forced their two owners to steer the vessel toward Africa. This they did during the day when the negroes could tell the direction of the vessel by the sun, but at night they turned the course of the vessel to the west. After several weeks they appeared off the coast of Connecticut and were captured by a United States naval vessel and taken into New London. There the two Cubans sued for the recovery of the negroes. The case presented many novel features, as the negroes had not been forcibly brought into the United States, but had brought their masters. The Supreme Court finally ordered the negroes to be set free. The Spanish government demanded that the negroes be sent back to Cuba for the case to be tried, but this demand was refused, as the negroes had been brought to Cuba in violation of Spanish law and no Spanish subject could establish a claim to them.

The matter was again called to the attention of the government during President Polk's administration, when a different view of the case was taken and the claim was recognized in a letter from the department of state to the Spanish minister, March 19, 1847. In his annual message of the same year President Polk recommended its payment. The matter was referred to Congress by President Fillmore in a special message, January 17, 1853, though without recommendation.

The payment of this indemnity was again urged upon Congress by President Pierce in his first annual message, December, 1853, and President Buchanan, who as secretary of state in 1847 had first recognized it, made the same recommendation in all four of his annual messages. An appropriation passed the senate at one time, but went no further.

In 1860 the Spanish government finally agreed to institute a joint commission for the adjustment of the Cuban claims and a convention to that effect was concluded with our minister at Madrid, March 5, 1860. Under the terms of this convention these demands, amounting to $128,635.54, in which more than 100 citizens of the United States were interested, were recognized, and the Spanish government agreed to pay $100,000 of this amount within three months, following the exchange of ratifications.[54] The payment of the remaining $28,635.54 was to await the decision of the commissioners for or against the Amistad claim; but in any event the balance was to be paid to the claimants either by Spain or the United States. As the

[54] Fourth Annual Message, Vol. V, p. 641. Messages and Papers of the Presidents.

validity of the Cuban claims alone was recognized by this convention and all other suits, including the Amistad claim, were referred to a commission, the government of the United States objected to the withholding the payment of the $28,635.54, and the Senate rejected the convention.

The annexationist and filibustering schemes of the decade immediately preceding the war of secession were prompted by two motives. The one was the extension of slave territory, or at least the thwarting of the schemes of emancipation for Cuba which Great Britain was urging upon the Spanish government. The other was to secure, by the occupation of this strong strategic position, undisputed control over the proposed interoceanic canal routes of Central America and communication by this means with the new states on the Pacific coast. These motives for annexation were removed, the one by the abolition of slavery in the United States, and the other by the construction of the great transcontinental railroads which established more direct communication with the Pacific states.

Since the civil war, therefore, our policy has been mainly concerned in urging upon the Spanish government the abolition of slavery in Cuba, the establishment of a more liberal form of government through independence or autonomy, and the promotion of more untrammelled commercial intercourse with the United States.

The abolition of slavery in the southern states left the Spanish Antilles in the enjoyment of a monopoly of slave labor, which in the production of sugar, especially, gave them advantages which overcame all

competition. This led to the formation of a strong Spanish party, for whom the cause of slavery and that of Spanish dominion were identical. These were known as Peninsulars on Spanish immigrants. They were the official class, the wealthy planters and slave-owners and the real rulers of Cuba. Their central organization was the Casino Espagñol of Havana, which was copied in all the towns of the island, and through these clubs they controlled the volunteers, who at times numbered 60,000 or 70,000. While enlistment in this body was open to any white citizen, it was practically limited to Peninsulars, who, with the pay received from this service could underbid the native Cubans in all the more important governmental and commercial positions. These volunteers never took the field, but held possession of all the cities and towns and thus were able to defy even the captain-general. They were obedient to his orders only so long as he was acting in close accord with the wishes of their party.

On the other hand there was a party composed of Creoles, or native Cubans, whose cry was "Cuba for the Cubans!" and who hoped to effect the complete separation of the island from Spain, either through their own efforts or through the assistance of the United States. Not infrequently in the same family, the father, born and brought up in the Peninsula, was an ardent loyalist, while the son, born in Cuba, was an insurgent at heart, if not actually enlisted in the ranks.[55]

The Spanish revolution of September, 1868, was the signal for an uprising of the native or Creole party in

[55] Gallenga: The Pearl of the Antilles, Chap. 1. London, 1873.

the eastern part of the island under the leadership of Cespedes. This movement was not at first ostensibly for independence, but for the revolution in Spain, the cries being "Hurrah for Prim!" "Hurrah for the Revolution!" Its real character was, however, apparent from the first and its supporters continued for a period of ten years, without regard to the numerous vicissitudes through which the Spanish government passed—the provisional government, the regency, the elective monarchy, the republic, and the restored Bourbon dynasty—to wage a dogged, though desultory warfare against the constituted authorities of the island. This struggle was almost coterminous with President Grant's administration of eight years.

At an early stage of the contest the Spanish authorities conceived it to be necessary to issue certain decrees contrary to public law and, in so far as they affected citizens of the United States, in violation of treaty obligations. On the 24th of March, 1869, the captain-general issued a decree authorizing the capture on the high seas of vessels carrying men, arms, munitions, or effects in aid of the insurgents, and declaring that "all persons captured in such vessels without regard to their number will be immediately executed." [56]

On the 1st of April another decree came from the captain-general prohibiting the alienation of property except with the assent of the government. This included sales of produce, shares, stocks, etc., as well as real estate.[57] By another decree the estates of Ameri-

[56] Sen. Ex. Doc. No. 7, Forty-first Congress, Second Session.

[57] Ibid.

can citizens suspected of sympathy with the insurgents were confiscated.[58]

Secretary Hamilton Fish protested against these decrees so far as they affected citizens of the United States, as they were in violation of the provisions of the treaty of 1795.

On the 4th of April Count Valmaseda, commanding the district of Santiago de Cuba, issued a proclamation to the effect that every man over 15 years of age found away from home should be shot and that every unoccupied house and every house not flying a white flag should be burned.[59]

July 7, 1869, the captain-general issued a decree closing certain ports, declaring voyages with arms, ammunition, or crew for the insurgents illegal, and directing cruisers on the high seas to bring into port all vessels found to be enemies.

On the 16th of July, Mr. Fish called the attention of Mr. Lopez Roberts, the Spanish minister to the United States, to the foregoing decree, saying that it assumed powers over the commerce of the United States that could be permitted only in time of war; that the United States would not yield the right to carry contraband of war in time of peace, and would not permit their vessels to be interfered with on the high seas except in time of war; that if Spain was at war she should give notice to the United States to that effect, and that a continuance of the decree or any attempt to enforce it would be regarded as a recognition by Spain of a state of war in Cuba.[60] This declaration produced a

[58] Sen. Ex. Doc. No. 7, Forty-first Congress, Second Session. [59] Ibid. [60] Ibid.

prompt modification of the decree of July 7, as to the search of vessels on the high seas.

As our commercial interests at large, as well as the interests of individual citizens were deeply affected by the condition of the island, President Grant determined at the beginning of his administration to offer to mediate between Spain and the insurgents. General Daniel E. Sickles was appointed minister to Spain and his instructions, under date of June 29, 1869, directed him to offer to the cabinet at Madrid the good offices of the United States for the purpose of bringing to a close the civil war then ravaging the island of Cuba. Mr. Fish instructed General Sickles to explain to the Spanish government that he used the term civil war advisedly, not as implying any public recognition of belligerent rights, but a condition of affairs that might not justify withholding much longer those rights from the insurgents. The terms upon which the United States proposed to mediate were the following:

1. The independence of Cuba to be acknowledged by Spain.

2. Cuba to pay to Spain a sum under conditions to be agreed upon. In case Cuba was unable to pay the whole sum at once, the future payments to be secured by pledge of export and import duties in a manner to be agreed upon.

3. Abolition of slavery in the island of Cuba.

4. An armistice pending the negotiations for the settlement above referred to.[61]

General Sickles was told that the United States gov-

[61] House Ex. Doc. No. 160, Forty-first Congress, Second Session.

ernment would, subject to the approval of Congress, guarantee the payment of the sum to be paid by Cuba but he was to avoid such a complication unless it was made a *sine qua non* by the Spanish cabinet.

After several interviews had taken place, on August 13, General Sickles was authorized to state to his government that its good offices had been accepted, but on a somewhat different basis from that proposed by Mr. Fish. The Spanish government insisted that it was beneath the dignity of the mother-country to treat with the insurgents while they were in arms, and that whatever agreement was arrived at must be in the nature of a voluntary concession on the part of Spain, consummated according to strict legal or constitutional forms, and not in the nature of a treaty between armed powers. The Spanish propositions were, therefore, as follows:

1. The insurgents to lay down their arms.

2. Spain to grant simultaneously a full and complete amnesty.

3. The people of Cuba to vote by universal suffrage upon the question of their independence.

4. The majority having declared for independence, Spain to grant it, the Cortes consenting; Cuba paying a satisfactory equivalent guaranteed by the United States.[62]

These propositions were at once communicated by cable to the department at Washington. Mr. Fish replied August 16 directing General Sickles to urge the acceptance of good offices on the basis proposed by the United States. The first proposition of Spain,

[62] House Ex. Doc. No. 160, Forty-first Congress, Second Session.

that the insurgents should lay down arms, was incapable of attainment, and the plan to ascertain the will of the Cubans by a vote was impracticable because of the disorganization of society and the terrorism that prevailed as a result of the violence and insubordination of the volunteers.

In subsequent telegrams dated August 24, and September 1, Mr. Fish repeated his directions to General Sickles to negotiate only on the basis suggested by the United States.

While matters were in this state two unfortunate incidents occurred which so excited public opinion in Spain and in the United States as to render the pending negotiations very difficult if not altogether impracticable. One was the detention by the United States of some gunboats built for the Spanish government for use against Cuba. This was done at the request of the minister of Peru, with which country Spain was at war. The Peruvian minister claimed that even if these boats should not be used against Peru, they would take the place of boats in use against Cuba and the boats so released might be sent against Peru. The Spanish government claimed that it was not at war with Peru, that hostilities had ceased. This incident caused very bitter feeling in Spain against the United States. The other incident which excited general indignation in the United States was the illegal execution of two American citizens, Speakman and Wyeth, at Santiago de Cuba.

In addition to this the Spanish government allowed the purport of General Sickles's note tendering the good offices of the United States to get out, and it was accepted by the press as indicating the purpose of the

United States to recognize the Cubans as belligerents if its offer of mediation were refused. No Spanish cabinet could possibly endure the odium of having made a concession to the Cubans under a threat from an outside power. The Spanish government therefore requested the withdrawal of the American note. In accordance with instructions from Washington General Sickles withdrew, on the 28th of September, the offer of the good offices of the United States. In acknowledging this communication the Spanish minister of state, Mr. Silvela, made the statement that the note was withdrawn. General Sickles at once got him to correct the statement, as the note contained in addition to the offer of good offices an exposition of the motives of the President in making the offer, and a statement of the general considerations deemed by him essential to a settlement of the Cuban question. It was also the record of an important transaction, which the administration wished to preserve as the basis for further negotiation, if occasion should arise.

Whether, during these negotiations, General Sickles broached the question of cession to the United States as a possible solution, in case independence were impracticable, cannot be determined from the published correspondence. There are, however, one or two portions of the correspondence that suggest it, and it is well known that ever since the civil war our representatives at the court of Madrid have been instructed to keep their ears open for any suggestion or intimation of a willingness on the part of Spain to cede Cuba and to report the same without delay to the department of state. In the published correspondence under date of August 24, 1869, appears the

following statement from General Sickles preceded and followed by lines of asterisks:

"In general I find less susceptibility to the idea of a transfer of the island to the United States than to the concession of the independence of Cuba. There is an apprehension that the persons and property of Spaniards in Cuba would not be safe under Cuban control. This impression, I hear, prevails in Catalonia." [63]

It will have been noted that one of the bases proposed by the United States for the independence of Cuba was the abolition of slavery. After the close of the civil war in the United States the federal government was as strenuous in its efforts to effect, through representations to the court of Madrid, the emancipation of slaves in Cuba as it had been before the war to prevent that measure. Such representations, involving in substance the demand that Cuban institutions should conform to those of the United States, were naturally somewhat exasperating to the Spanish government, especially when they were made in a dictatorial or imperative manner, as they not infrequently were. As early as May 23, 1866, Mr. Seward had written to Mr. Hale, the American representative at Madrid, directing him to urge upon the Spanish government the propriety of speedy emancipation in Cuba. He referred to the efforts in the past to annex Cuba to the United States in the interests of the slaveholders, and hinted, in view of the unfriendly attitude of the South American republics toward Spain, at the possibility of a combined movement against Cuba with the object of emancipation. After the failure of the

[63] House Ex. Doc. No. 160, p. 121, Forty-first Congress, Second Session.

plan of the United States for mediation fell through, General Sickles continued to urge upon Spain the necessity for emancipation. Throughout these negotiations the Spanish cabinet insisted that emancipation was a part of the program of the liberal party, through whom the revolution of 1868 had been effected and that reforms in accordance with the spirit of the constitution of 1869 would have been extended to Cuba already but for the unfortunate insurrection.

November 28, 1869, General Sickles telegraphed to his government that he was authorized by the minister of the colonies to state that the government measures for Porto Rico would include local self-government, a free press, public schools, impartial suffrage, gradual but speedy abolition of slavery, civil and political rights without distinction of color, etc. These reforms were to be extended to Cuba as soon as hostilities ceased and deputies were chosen in compliance with Article 108 of the Constitution,[64] which is as follows:

"Article 108. The Cortes Constituyentes shall reform the present system of government in the transmarine provinces when the deputies of Cuba or Porto Rico shall have taken their seats, in order to extend to the same, with the modifications which shall be deemed necessary, the privileges set forth in the constitution."[65]

The Spanish government had suddenly conceived such a respect for constitutional rights that it refused

[64] Sen. Ex. Doc. No. 113, Forty-first Congress, Second Session.

[65] House Ex. Doc. No. 160, Forty-first Congress, Second Session.

to grant any reforms for Cuba until the deputies could take their seats for fear of violating this article.

During the fall of 1869 Spain gave repeated assurances to the United States of her readiness to effect emancipation in Cuba as soon as hostilities should cease, but the Spanish government could never be brought to enter into any definite engagement on the subject. In fact as regarded the slavery question the cabinet of Madrid found itself unable to choose between the horns of the dilemma. The United States and Great Britain were urging the immediate abolition of slavery, while the most influential upholders of Spanish rule in Porto Rico as well as in Cuba were the slaveholders themselves. The insurgents on the other hand had abolished slavery by a decree of the assembly of February 26, 1869, promising indemnity to the owners in due time and providing for the enrolment of liberated slaves in the army.[66] On January 26, 1870, Mr. Fish wrote to General Sickles:

"It becomes more apparent every day that this contest cannot terminate without the abolition of slavery. This government regards the government at Madrid as committed to that result. . . . You will, therefore, if it shall appear that the insurrection is regarded as suppressed, frankly state that this government, relying upon the assurances so often given, will expect steps to be taken for the emancipation of the slaves in the Spanish colonies."[67]

The British representative at Madrid, Mr. Layard, was instructed to second the suggestions of the United

[66] Sen. Ex. Doc. No. 113, Forty-first Congress, Second Session.

[67] Ibid.

States minister in regard to the abolition of slavery in the Spanish colonies.

In May, 1870, the long-promised reform constitution for Porto Rico was drawn up. The island was made a province of the Spanish monarchy and the Spaniards residing in it were to enjoy the same rights as those laid down in the constitution of Spain. The captain-general, however, retained his authority uncurtailed, and so far from the constitution providing for the abolition of slavery, it even forbade the public discussion of the subject in the island. A special bill for emancipation of certain classes of slaves in the colonies became law, June 23, 1870. This bill, known as the Moret Law, from the name of the minister of colonies, Señor Moret y Prendergast, instead of being a bona fide measure, simply relieved the slave-owner of the burden of supporting infants and aged slaves and prolonged the institution as to the able-bodied. All slaves born after September 18, 1868, the date of the Spanish revolution, were declared free. All over the age of 66 years and others upon reaching that age were free.[68] The law also provided for the care of the aged by their former masters and for the support of the young until their eighteenth year under a sort of apprenticeship system, but these provisions were not protected by proper safeguards.

This law was enacted for public effect; as far as Cuba was concerned not only was it not put into operation, but through the all-powerful influence of the Peninsulars it was not even allowed to be published in the island for nearly two years after the outside world thought it was in effect.[69]

[68] Sen. Ex. Doc. No. 113, Forty-first Congress, Second Session. [69] Gallenga: The Pearl of the Antilles, p. 17.

Meanwhile the captain-general, following the example of Abraham Lincoln, freed by proclamation, as a war measure, May 14, 1870, the slaves belonging to the insurgents.[70]

From the outbreak of the insurrection the Cuban patriots had the sympathy of the great mass of the American people, and that of the administration, although the latter was kept within the bounds of public law and treaty obligation, so as to avoid giving offence to Spain. The government did all that treaty obligations demanded of it to prevent the violation of the neutrality laws. Numbers of filibustering expeditions did, however, escape from American ports, and those that were arrested at the instance of the Spanish government through its representatives in this country usually escaped conviction in our courts for want of evidence. On January 3, 1870, the secretary of the navy issued the following order to Rear-Admiral Poor, commanding in the southern waters:

"It is desired that you should keep some of your vessels stationed on the north and south ends of the island of Cuba, or at such ports as the so-called insurgents should convene for escape from the island. While the department does not desire that you should seek opportunities to encourage these distressed persons to seek the protection of the United States flag, you will in no case refuse them shelter on board the vessels of your fleet, and when they are once under the protection of the flag, their persons and property will be held sacred against the interference of the Spanish authorities. In no case will you give up any one

[70] Sen. Ex. Doc. No. 113, Forty-first Congress, Second Session.

attempting to escape from the island except by authority from this department."[71]

In June, 1870, the question of granting belligerent rights to the Cubans was brought before Congress in the form of a joint resolution introduced into the House. Personally General Grant sympathized with the Cubans and was disposed to grant them the rights of belligerents, but his judgment was overruled by the counsels of Mr. Fish, the secretary of state. On June 13, during the heat of the debate on the question of belligerency, the President sent to Congress a message embodying the views of the executive. At Mr. Fish's instance the message took the ground that the facts did not justify the recognition of a state of war, although Mr. Fish himself had made use of the term civil war in his instructions to General Sickles. The Secretary had almost to force the President to sign this message, though General Grant was afterwards satisfied as to the wisdom of the measure.[72] The message said in part:

"The question of belligerency is one of fact not to be decided by sympathies with or prejudices against either party. The relations between the parent state and the insurgents must amount, in fact, to war in the sense of international law. Fighting, though fierce and protracted, does not alone constitute war; there must be military forces acting in accordance with the rules and customs of war—flags of truce, cartels, exchange of prisoners, etc.,—and to justify belligerency there must be, above all, a de facto political organiza-

[71] Sen. Ex. Doc. No. 32, Forty-second Congress, Second Session.

[72] Private journal of Mr. Fish, quoted by Prof. J. B. Moore in the Forum, May, 1896.

tion of the insurgents sufficient in character and resources to constitute it, if left to itself, a state among nations capable of discharging the duties of a state, and of meeting the just responsibilities it may incur as such toward other powers in the discharge of its international duties.

"Applying the best information which I have been enabled to gather, whether from official or unofficial sources, including the very exaggerated statements which each party gives of all that may prejudice the opposite or give credit to its own side of the question, I am unable to see, in the present condition of the contest in Cuba, those elements which are requisite to constitute war in the sense of international law.

"The insurgents hold no town or city; have no established seat of government; they have no prize courts; no organization for the receiving and collecting of revenue; no seaport to which a prize may be carried, or through which access can be had by a foreign power to the limited interior territory and mountain fastnesses which they occupy. The existence of a legislature representing any popular constituency is more than doubtful.

"In the uncertainty that hangs around the entire insurrection there is no palpable evidence of an election, of any delegated authority, or of any government outside the limits of the camps occupied from day to day by the roving companies of insurgent troops. There is no commerce; no trade, either international or foreign; no manufactures."

This message provoked a long and animated discussion in the House next day and sharp criticism on the part of the Cuban sympathizers of the President's

conduct in thus "intruding himself into the House for the purpose of controlling their deliberations." [73]

The debate continued and on June 16 the resolution passed the House by a vote of 80 to 68.[74] It was taken up by the Senate, discussed and amended, but finally lost.

Reference has already been made to the sweeping decrees of April, 1869, confiscating the estates and other property of individuals suspected of sympathy with the insurgents. As had been foreseen many cases of complaint arose from American citizens whose property had been thus taken away from them without legal process, and whose persons in many instances had been placed in confinement. As no redress had been made, Mr. Fish on June 9, 1870, brought this matter to the attention of the Spanish minister at Washington, Mr. Lopez Roberts. Mr. Roberts had been given power to interfere with the captain-general, who, as a rule, was in no way subject to the authority of the minister at Washington, in case of the violation of treaty rights of American citizens in Cuba, and to have property illegally seized restored and those illegally arrested set free, without the delay of referring each case to Madrid. Mr. Roberts said in reply to Mr. Fish's demand for reclamation that these special powers had been revoked and that the matter was no longer in his hands.[75] The matter was then referred to Madrid, when after some delay General Sickles succeeded in concluding the agreement of February 12, 1871. By the terms of this agreement a mixed

[73] Congressional Globe, Forty-first Congress, Second Session, p. 4438.
[74] Ibid., p. 4507.
[75] Sen. Ex. Doc. No. 108, Forty-first Congress, Second Session.

commission was organized at Washington to decide all claims presented to it by the government of the United States for injuries done to citizens of the United States by the Spanish authorities in Cuba since October 1, 1868. The labors of this commission did not terminate until January 1, 1883. There were 130 claims presented to the commission, amounting to $29,946,-183.32. Awards were given in favor of 35 claims, amounting to $1,293,450.55.[76]

The conclusion of this agreement of February 12, 1871, took away all our pressing grievances against Spain and for more than two years our diplomatic relations were on a comparatively friendly basis. Good feeling between the two countries was further promoted by the proclamation of the Spanish republic in 1873 and by the prompt action of General Sickles in extending to it the recognition of the United States. After striving in vain for more than two years to reconcile and unite the contending factions of Spain, King Amadeus on February 11, 1873, abdicated the royal authority and returned to the nation the powers with which he had been intrusted. The Cortes at once proclaimed a republic. General Sickles had on the 30th of January telegraphed to Washington for instructions in case the republicans should succeed in their efforts. On the day after the abdication, he received directions to recognize the republican government when it was fully established and in possession of the power of the nation. Three days later, in the uniform of a general of the United States army he was given an audience by the president of the assembly and formally recognized the republic.

[76] Treaties of the United States, p. 1388.

The recognition of the United States was helpful and opportune, for the proclamation of the republic was the occasion for the withdrawal of all the European powers, except Switzerland, from diplomatic relations with the new government. On March 6, Congress by joint resolution, in behalf of the American people, tendered its congratulations to the people of Spain. It seemed at last as if our relations with Spain were on a good footing. General Sickles urged upon the new republican government the abolition of slavery, and the concession of self-government to Cuba.

But such cordial relations did not long continue. On October 31, 1873, the steamer *Virginius*, sailing under American colors and carrying a United States registry, was captured on the high seas by the *Tornado*, a Spanish war vessel, and on the afternoon of the first of November taken into the port of Santiago de Cuba. The men and supplies she bore were bound for the insurgents, but the capture did not occur in Cuban waters.

General Burriel, the commandant of the city, summoned a court-martial, and in spite of the protests of the American consul, condemned to death at the first sitting four of the passengers, General W. A. C. Ryan, an Irish patriot and three Cubans. They were shot on the morning of November 4. On the 7th twelve other passengers were executed and on the 8th Captain Fry and his entire crew, numbering thirty-six, making the total number of executions fifty-three.

As soon as news of the capture reached Madrid, General Sickles, November 6, called upon President Castelar and represented to him the difficulties that

might arise in case the ship had been taken on the high seas bearing United States colors. Upon General Sickles's suggestion the President of the Spanish republic at once telegraphed to the captain-general to await orders before taking any steps in regard to the captured vessel and crew. On the seventh Mr. Fish telegraphed to General Sickles that the capture of an American vessel on the high seas presented a very grave question and that the execution of prisoners with such haste was inhuman and in violation of the civilization of the age. That if American citizens had been unlawfully executed, the most ample reparation would be demanded. This telegram was communicated to the minister of state, who replied that the Spanish government would spontaneously do all required by public law and treaty obligation.

On the 13th General Sickles had an interview with the minister of state who informed him of the execution of forty-nine other prisoners on the 7th and 8th, and told him that the telegram of the 6th had not reached Havana until the 7th, and then, owing to interruption of telegraphic communication, could not be transmitted to Santiago de Cuba in time to stay the executions, but that they had now ceased.

In accordance with instructions from Mr. Fish, General Sickles on the 14th protested by note against these executions as brutal and barbarous and stated that ample reparation would be demanded. The next day he received from the minister of state an ill-tempered reply, rejecting the protest as inadmissible when neither the cabinet at Washington nor that of Madrid had sufficient data upon which to ground a complaint. On the day this reply was received General Sickles,

following out telegraphic instructions from Washington, made a formal demand by note for the restoration of the *Virginius*, the surrender of the survivors, a salute to the United States flag, and the punishment of the guilty officials. In case of a refusal of satisfactory reparation within twelve days, General Sickles was instructed by his government, at the expiration of that period, to close the legation and leave Madrid. On the 15th Mr. Fish telegraphed that more executions were reported from Cuba and that if Spain could not redress these outrages, the United States would. This report, however, subsequently proved to be erroneous.

The formal reply to General Sickles's demand for reparation was received November 18. The Spanish government declared (1) that it would make no reparation until satisfied that an offence had been committed against the flag of the United States, and (2) that when so convinced through her own sources of information or by the showing of the United States, due reparation would be made. General Sickles telegraphed to Mr. Fish that, regarding this as a refusal within the sense of his instructions he proposed, unless otherwise ordered, to close the legation forthwith, and leave Madrid. Mr. Fish's instructions had been to wait twelve days after date of the dispatch, that would have been the 26th.

The representations made at Washington by the Spanish minister were of a much more satisfactory character than those made to General Sickles at Madrid. Mr. Fish, therefore, instructed General Sickles to remain at his post until the 26th, and if no accommodation were reached by that time he could demand his passports. By the time this dispatch reached Madrid General Sickles had already

asked for his passports, but had not received the reply of the Spanish government. On the 26th he received a note from the Spanish minister asking for a postponement to the 25th of December and promising that if by that time Spain could not show that she had the right on her side—i. e., that the *Virginius* had no right to sail under the United States flag—she would comply with the demands of the United States. General Sickles replied that he could not accept such a proposal, but that he would inform his government of it and take the responsibility of deferring his departure.

Meanwhile the Spanish minister at Washington had proposed arbitration, but Mr. Fish declined to submit to arbitration the question of an indignity to the United States flag. The minister then asked for a delay, but Mr. Fish told him that delay was impossible in view of the approaching meeting of Congress. Unless settled beforehand the question would have to be referred to Congress.

On the 27th Mr. Fish, thinking that General Sickles had left Madrid accepted a proposition made by Admiral Polo.

The protocol of this conference was drawn up and signed on the 29th of November, 1873. By the terms of this agreement Spain stipulated to restore the vessel forthwith, to surrender the survivors of her passengers and crew, and on the 25th of December to salute the flag of the United States. If, however, before that date Spain should prove to the satisfaction of the United States that the *Virginius* was not entitled to carry the flag of the United States the salute should be dispensed with, but in such case the United States

would expect a disclaimer of intent of indignity to its flag.

If it should be proved to the satisfaction of the United States on or before the 25th of December that the *Virginius* did not lawfully carry the flag of the United States and was not entitled to American papers, the United States agreed to institute legal proceedings against the vessel and against any persons who might appear to have been guilty of illegal acts in connection therewith; and Spain on her part agreed to investigate the conduct of those of her authorities who had infringed Spanish laws or treaty obligations and to inflict punishment on those who had offended. Other reclamations were to be the subject of consideration between the two governments.

The time, place, and manner for the surrender of the *Virginius* and the survivors, and for the salute to the flag were to be arranged between Mr. Fish and Admiral Polo within the next two days.[77] The Spanish ambassador was unable to carry out this last clause owing to delay on the part of his government in sending the necessary instructions.

During this delay Congress met and the President in his message December 1, 1873, said:

"I wish to renew the expression of my conviction, that the existence of African slavery in Cuba is a principal cause of the lamentable condition of the island.

"The embargoing of American estates in Cuba; cruelty to American citizens detected in no act of hostility to the Spanish government; the murdering of prisoners taken with arms in their hands; and, finally,

[77] Foreign Relations, 1874-75, p. 987.

the capture upon the high seas of a vessel sailing under the United States flag and bearing a United States registry have culminated in an outburst of indignation that has seemed for a time to threaten war."

He also stated that, pending negotiations with Spain, he had ordered the secretary of the navy to put our fleet on a war footing.

On December 8, an agreement was signed by Mr. Fish and Admiral Polo arranging for the surrender of the *Virginius* and the surviving passengers, which was duly carried out.

Two days later the Spanish envoy submitted to the state department a large number of documents and depositions to show that the *Virginius* had no right to sail under the United States flag. These were referred to the attorney-general, and on the 17th he gave his opinion that the evidence was conclusive that the *Virginius*, although registered in New York on the 26th of September 1870, in the name of Patterson, who made oath as required by law that he was the owner, was in fact the property of certain Cubans and was controlled by them. In conclusion the attorney-general said:

"Spain, no doubt, has a right to capture a vessel, with an American register, and carrying the American flag, found in her own waters assisting, or endeavoring to assist, the insurrection in Cuba, but she has no right to capture such a vessel on the high seas upon an apprehension that, in violation of the neutrality or navigation laws of the United States, she was on her way to assist said rebellion. Spain may defend her territory and people from the hostile attacks of what is, or appears to be, an American vessel; but she has no juris-

diction whatever over the question as to whether or not such vessel is on the high seas in violation of any law of the United States. Spain cannot rightfully raise that question as to the *Virginius*, but the United States may, and, as I understand the protocol, they have agreed to do it, and, governed by that agreement and without admitting that Spain would otherwise have any interest in the question, I decide that the *Virginius*, at the time of her capture, was without right, and improperly carrying the American flag."

This decision was communicated to the Spanish authorities and, according to the agreement, the salute to the United States flag was dispensed with, and on the third of January, 1874, Admiral Polo, on behalf of his government, expressed a disclaimer of an intent of indignity to the flag of the United States.

Meanwhile, December 6, General Sickles by telegraph offered his resignation in consequence of certain reports that his conduct had been disapproved. Mr. Fish replied that such reports were unauthorized, that no dissatisfaction had been expressed or intimated and that it was deemed important that he remain at his post. Ten days later, General Sickles requested that the telegram tendering his resignation and the reply be published. Mr. Fish declined to do so as the resignation was hypothetical. December 20, General Sickles again tendered his resignation and it was accepted.

The steamship *Virginius* foundered off Cape Fear, December 26, 1873, while being conveyed to the United States in charge of an officer of the navy.

By the protocol of November 29 the question of reciprocal reclamations was left to be decided through

the ordinary channel of diplomatic negotiation. On the 30th of December the Spanish minister at Washington presented a claim for indemnity for injuries sustained by the Spanish government through the steamer *Virginius*. These claims were rejected by the state department on the ground that the fraudulent registry of the vessel was an offence punishable by the municipal law of the United States involving no possible question of controversy with any foreign government; that at the time of the departure of the vessel from New York the validity of her papers was not questioned; that there was nothing in her build, equipment, cargo, or destination to excite suspicion or to authorize proceedings against her at law, or detention by the President; and that it was a universally admitted doctrine in the law of nations that a neutral or friendly government could not be held responsible for shipments of arms, munitions, or material of war by private individuals at their own risk and peril, and as a private speculation.[78]

On the tenth of February, 1874, Mr. Fish instructed Mr. Caleb Cushing, who succeeded General Sickles at Madrid, to demand of the Spanish government indemnity for injuries to the passengers and crew of the *Virginius*, especially for the families of such as were executed at Santiago de Cuba. The demand was to be made irrespective of the nationality of the parties, on the general ground of the illegality of the capture. These negotiations were carried on for more than a year before the matter was finally settled.

Great Britain also made reclamations for indemni-

[78] The correspondence relating to the steamer *Virginius* will be found in the Foreign Relations, 1874, 1875 and 1876.

ties for the families of the nineteen British subjects executed at Santiago, and an agreement between Great Britain and Spain was reached during the fall of 1874 by which £7700 was paid to the British government to be distributed among the families of the deceased, at the rate of £300 for each of the nine colored men and £500 for each of the ten white men. The English government was required to render an account and to refund such part of the amount as was not claimed.

The case of the United States was much more complicated, as several of those executed were neither English nor United States citizens. The United States claimed indemnity for all not claimed as subjects by the British government. This raised many delicate questions of international law, and finally, February 16. 1875, an agreement was arrived at between Mr. Cushing and the Spanish minister of state, by which Spain allowed the United States $80,000 in full of all indemnity. The allowance was unconditional, the distribution to be made by the United States government in its discretion, and no accountability was required as in the case of England. This indemnity was promptly paid by Spain.

One other matter connected with the *Virginius* episode still remained open. By the terms of the protocol Spain promised to bring to trial General Burriel and the other officials concerned in the massacres of Santiago. General Burriel returned to Spain and attempted in the press to justify his conduct. Soon after reaching Spain, Mr. Cushing was instructed to demand the fulfillment of this part of the agreement. While these points were in dispute between Mr. Cush-

ing and the Spanish government, General Burriel was promoted to be a field-marshal in the Spanish army. This created great indignation in the United States, and the negotiations were pressed at Madrid. For over two years this matter was pressed upon the Spanish government but the only satisfaction ever obtained was a statement from the minister of state that the supreme council of war had declared itself competent to try General Burriel and had begun proceedings by the appointment of a prosecuting officer and a secretary. It is needless to say that Burriel was never brought to justice.

After the settlement of the *Virginius* reclamations the government of the United States addressed itself once more to the task of forcing a settlement of the Cuban question in general. In his general instructions to Mr. Cushing before his departure for his post, Mr. Fish (February 6, 1874), expressed the policy of the administration at considerable length. After reviewing the main facts of the insurrection which had then lasted more than five years, with little or no change in the military situation, and after referring to the rejection by Spain of the offers of mediation made by the United States at an early day of the trouble, he says:

"In these circumstances, the question what decision the United States shall take is a serious and difficult one, not to be determined without careful consideration of its complex elements of domestic and foreign policy, but the determination of which may at any moment be forced upon us by occurrences either in Spain or in Cuba.

"Withal the President cannot but regard indepen-

dence, and emancipation, of course, as the only certain, and even the necessary, solution of the question of Cuba. And, in his mind, all incidental questions are quite subordinate to those, the larger objects of the United States in this respect.

"It requires to be borne in mind that, in so far as we may contribute to the solution of these questions, this government is not actuated by any selfish or interested motive. The President does not meditate or desire the annexation of Cuba to the United States, but its elevation into an independent republic of freemen, in harmony with ourselves and with the other republics of America." [79]

For some months Mr. Cushing was, as we have seen, occupied with the negotiations in the *Virginius* case. After nearly two years had elapsed since the instructions to Mr. Cushing above quoted, the Grant administration determined, in view of the unchanged condition of the Cuban struggle, to bring matters to an issue and to force, if need be, the hand of the Spanish government. On the 5th of November, 1875, Mr. Fish addressed a long letter of instruction to Mr. Cushing. After reviewing the course of the insurrection, the interests of the United States affected thereby, the numerous claims arising therefrom, many of them still unsettled, the persistent refusal of Spain to redress these grievances and the general neglect on her part of treaty obligations, he concludes:

"In the absence of any prospect of a termination of the war, or of any change in the manner in which it has been conducted on either side, he (the President) feels that the time is at hand when it may be the

[79] Foreign Relations, 1874-75, p. 859.

duty of other governments to intervene, solely with a view of bringing to an end a disastrous and destructive conflict, and of restoring peace in the island of Cuba. No government is more deeply interested in the order and peaceful administration of this island than is that of the United States, and none has suffered as the United States from the condition which has obtained there during the past six or seven years. He will, therefore, feel it his duty at an early day to submit the subject in this light, and accompanied by an expression of the views above presented, for the consideration of Congress."

Mr. Cushing was instructed to read this note to the Spanish minister of state. At the same time a copy was sent to General Robert C. Schenck, United States minister at London, with instructions to read the same to Lord Derby, and to suggest to him that it would be agreeable to the United States if the British government would support by its influence the position assumed by the Grant administration.

In the course of a few days copies of this note were sent to our representatives at Paris, Berlin, Vienna, Rome, Lisbon, and St. Petersburg, with instructions to communicate its purport orally, or by reading the note, to the governments to which they were accredited and to ask their intervention with Spain in the interests of terminating the state of affairs existing in Cuba.

The success of this move depended upon the attitude of the British government with reference to the position assumed by the United States. If Great Britain acquiesced in the position taken by the cabinet at Washington and promised her influence in sup-

port of that position, the mere expression of her approval of intervention would have forced Spain to whatever terms the two governments might jointly have dictated, or to a settlement of the question by the concession of liberal reforms without waiting for any action on the part of those governments. On the other hand, the refusal of Great Britain to cooperate with the United States would strengthen Spain in the policy she was pursuing. Mr. Fish, therefore, instructed Mr. Cushing to delay the presentation of the note of November 5 until General Schenck could communicate it to the British government, and find out whether Lord Derby would support his position. In other words, the tone in which Mr. Cushing would communicate the American note to the Spanish cabinet would depend entirely upon the attitude of Lord Derby.

An unforeseen event occurred, however, which materially interfered with Mr. Fish's plans. Mr. Cushing's representations at Madrid on the general subject of our differences with Spain met with greater success than was anticipated. On the 16th of November, before the arrival of Mr. Fish's instruction of the 5th, he received from the Spanish minister of state, under date of November 15, in answer to his repeated demands, a note which was eminently friendly in spirit, conceding in substance or effect almost everything demanded by the United States in the way of special grievances, and repeating the assurances of the trial of General Burriel. The substance of this note was at once communicated by cable to the department at Washington. This information placed the administration in a rather awkward position. If Spain had really promised to concede all the specific demands of the United States

the American note would fall rather flat upon the ears of the European cabinets. Yet, Congress was about to meet, the country was well weary of the condition in Cuba and was expecting some definite recommendation from the executive. The full text of the Spanish note of November 15 would not reach Washington before the opening of the session. On the 19th Mr. Fish cabled to General Schenck to delay reading the American note to Lord Derby until further instructions. This, of course, put a check upon Mr. Cushing at Madrid, as he had been instructed to await the outcome of events in London.

The receipt of the American note, on the 25th, threw Mr. Cushing into a state of intense excitement. He immediately cabled his opinion to Mr. Fish:

"If Great Britain cooperates Spain will succumb, in sullen despair, to whatever terms the two governments may jointly dictate; but if Great Britain refuses to cooperate, Spain will conclude that she has the sympathy of all European powers; more especially, as she thinks she has now gone, by her note of the 15th, to the ultimate point in satisfaction of each of the particular griefs of the United States.

"In other words there will be war, and a popular, though desperate one on the part of Spain, unless she can be convinced that the real and true object of the contemplated measure is to prevent war, as I understand it to be intended. But to ward off war will exact the steady exercise of all my personal influence here (which my colleagues tell me is great), and will require that influence to be efficiently backed by my government, both here and at Washington."

He, therefore, asked for further instructions, provided a negative answer came from Great Britain.

Mr. Cushing's position was delicate in the extreme. Upon the tone in which the American note was communicated to the Spanish government hung the alternative of war or peace. On the 26th he again cabled to Secretary Fish asking permission to present a copy of the note to the Spanish minister instead of merely reading it, and adding, "will you authorize me, after the Spanish minister is informed (in whatever way) of the contents of the document, to talk to him as a friend and well-wisher regarding what, in my opinion, Spain ought to do and may honorably do in this emergency?"

On the 27th Mr. Fish cabled him not to wait for a reply from Great Britain; that he might speak in the manner indicated in his dispatch of the day before, provided that it did not do away with the object of the instruction; that the note was "not intended as minatory in any sense, but in the spirit of friendship, as a notice of a necessity which may be forced upon the President, but which he hopes to avoid, and desires Spain to aid him in escaping." He also indicated the tone of the forthcoming message to Congress. In his message to Congress, December 7, 1875, President Grant discountenanced the recognition of either belligerency or independence; referred to the injuries resulting to the United States and to its citizens from the long-continued struggle, which was carried on without regard for the laws of civilized warfare and without prospect of termination; intimated intervention as an ultimate necessity unless satisfactory results could soon be reached; and referred to the pending negotiations with the Spanish government, with the hope that the proposals of December 15, not then re-

ceived in full, would afford the relief required and lead to a satisfactory settlement.[80]

When the Spanish proposals were received, the cabinet decided, notwithstanding the concessions on the subject of the specific grievances of the United States, not to back down from the position taken by Mr. Fish in the note of November 5 on the general question of Cuba, and the representatives of the United States abroad were accordingly instructed to continue to press upon the attention of the governments to which they were accredited the question of intervention.

The American note was presented to the Spanish government on the 30th of November, and on the same day General Schenck read it to Lord Derby, who promised to give an answer by the 2d of December. Meanwhile having heard of the Spanish proposals, Lord Derby, in the promised interview, informed General Schenck that her majesty's government preferred not to discuss the American note until the President should have had time to consider the Spanish proposals.

Through Mr. Cushing's friendly representations and in view of the President's message discountenancing recognition of either independence or belligerency, the Spanish minister, Mr. Calderon, received the communication of November 5 threatening intervention, in good part, and expressed his intention of answering it after he should have had time to consider it carefully.

The reply of Great Britain was given to General Schenck in an interview with Lord Derby on January

[80] This message was quoted at length by President McKinley in his first annual message to Congress, Dec. 6, 1897.

25, 1876. It was in substance that he was convinced that Spain would not listen to mediation, and that the British government was not prepared to bring pressure to bear upon her in case she refused; that the Spanish government hoped to finish the Carlist war in the spring and would then be in a position to put forth its whole military strength for the reduction of Cuba; in conclusion, therefore, Lord Derby thought "that if nothing were contemplated beyond an amicable interposition, having peace for its object, the time was ill-chosen and the move premature." The answers of the other powers were unsatisfactory or evasive, none of them being willing to bring pressure to bear upon the government of young Alfonso, while the Carlist war was on his hands.

The answer of Spain was finally given in the form of a note dated February 3, 1876, addressed to the representatives of Spain in other countries, including the United States, communicated to Mr. Cushing February 19. This answer, written by Mr. Calderon y Collantes was in good temper. He stated that the insurrection was supported and carried on largely by negroes, mulattoes, Chinese, deserters and adventurers; that they carried on a guerrilla warfare from their mountain retreats, that Spain had sufficient forces in the island to defeat them in the field; that the triumph of Spain would soon be followed by the total abolition of slavery and the introduction of administrative reforms. The number of vessels of war and troops in Cuba was enumerated to show that Spain was putting forth a reasonable effort to bring the rebellion to a close, and statistics were quoted to show that the trade between Cuba and the United States, as well as the general trade of the island, had actually increased

largely since the outbreak of the insurrection. Finally he declared that while individual foreigners had suffered, Spain had done justice to all claims presented.

In conversation with Mr. Cushing, Mr. Calderon intimated that Spain, although she would resist to the uttermost armed intervention, might be willing under certain circumstances to accept the mediation of the United States in Cuba, and he invited a frank statement of what the United States would advise or wish Spain to do with regard to Cuba. In reply to this suggestion, Mr. Fish, after disclaiming on the part of the United States all intention of annexing Cuba, stated the following points as the wish of his government:

(1) The mutual and reciprocal observance of treaty obligations, and a full, friendly and liberal understanding and interpretation of all doubtful treaty provisions, wherever doubt or question may exist.

(2) Peace, order, and good government in Cuba, which involves prompt and effective measures to restore peace, and the establishment of a government suited to the spirit and necessities of the age; liberal in its provisions, wherein justice can be meted out to all alike, according to defined and well-established provisions.

(3) Gradual but effectual emancipation of the slaves.

(4) Improvement of commercial facilities and the removal of the obstructions now existing in the way of trade and commerce.

In reply to these suggestions Mr. Calderon handed Mr. Cushing a note, dated April 16, 1876, in which he represented that his majesty's government was in full accord with Mr. Fish's suggestions. Taking them up one by one he replied:

(1) The government of his majesty is in entire conformity as regards complying for its part with all the stipulations of the existing treaties, and giving to them a perfect, friendly, and liberal interpretation in all that which may be the subject of doubt or question.

(2) The government of the king likewise proposes, because it believes it necessary, to change in a liberal sense the régime hitherto followed in the island of Cuba, not only in its administrative but also in its political part.

(3) Not merely gradual and genuine, but rapid emancipation of the slaves, because the government of his majesty recognizes and unreservedly proclaims that slavery neither can nor ought to be maintained in any of its dominions, by reason of its being an anti-Christian institution and opposed to present civilization.

(4) The government of the king finds itself in complete accord not only as to increasing but as to extending to the furthest possible limit all commercial facilities, and causing the disappearance of all the obstacles which to-day exist, and which hinder the rapid and free course of commercial negotiations.

These promises and assurances of the Spanish government completely thwarted Mr. Fish's plans, and, together with Lord Derby's reply, put all further attempts at intervention out of the question.

The substance of Mr. Fish's note threatening intervention appeared unofficially in the press of Europe and America in December, 1875, and attracted such general attention that in January the House asked for the correspondence. In reply Mr. Fish submitted to the President for transmission on the 21st, the note of November 5, together with a few carefully chosen ex-

tracts from the correspondence between himself and Mr. Cushing,[81] but nothing was given that might indicate that the United States had appealed to the powers of Europe to countenance intervention. As rumors to this effect had, however, appeared in the press, the House called the next day for whatever correspondence had taken place with foreign powers in regard to Cuba. Mr. Fish replied that "no correspondence has taken place during the past year with any European government, other than Spain, in regard to the island of Cuba," but that the note of November 5 had been orally communicated to several European governments by reading the same.[82] This was putting a very strict and a very unusual construction upon the term "correspondence," to say the least. The dispatches, notes, and telegrams that pass between a government and its representatives abroad are the only recognized means of communicating with foreign powers, and are always spoken of as the correspondence with those powers. The whole affair reveals a curious lack of candor and of courage on the part of Mr. Fish. He was trying to shield either the administration or himself, and did not wish the American public to know that he had reversed the time-honored policy of the state department by appealing to the powers of Europe to intervene in what had been uniformly treated, from the days of John Quincy Adams and Henry Clay, as a purely American question.

This correspondence was suppressed for twenty years. On the 24th of March, 1896, the Senate called

[81] House Ex. Doc. No. 90, Forty-fourth Congress, First Session.

[82] House Ex. Doc. No. 100, Forty-fourth Congress, First Session.

for "copies of all dispatches, notes, and telegrams in the department of state, from and after the note from Secretary Fish to Mr. Cushing of November 5, 1875, and including that note, until the pacification of Cuba in 1878, which relate to mediation or intervention by the United States in the affairs of that island, together with all correspondence with foreign governments relating to the same topic." On the 15th of April President Cleveland transmitted the "correspondence" called for, which forms a document of 137 pages.[83]

When Mr. Fish was approached by a reporter on the subject of his alleged departure from the Monroe Doctrine, not only in recognizing the right of European powers to intervene in Cuban affairs, but in a measure inviting such intervention, he adroitly turned the question by asserting that the real author of the principle enunciated in President Monroe's message was neither the President himself, nor, as has been frequently stated, his secretary of state and successor, John Quincy Adams, but Canning. Mr. Cushing also seemed to think that the United States had taken a long stride forward in cutting loose from its tradition in this particular. In a dispatch to Mr. Fish, December 6, 1875, he says:

"It was a bold step on the part of the President, and it seems to me a wise one, thus to invite the cooperation of Great Britain. It opens a wide perspective. It looks like breaking down the last barrier of distrust between the two great branches of the British race in Europe and America."

The Cuban struggle continued for two years longer.

[83] Sen. Ex. Doc. No. 213, Fifty-fourth Congress, First Session.

In October, 1877, several leaders surrendered to the Spanish authorities and undertook the task of bringing over the few remaining ones. Some of these paid for their efforts with their lives, being taken and condemned by court-martial by order of the commander of the Cuban forces. Finally, in February, 1878, the terms of pacification were made known. They embraced representation in the Spanish Cortes, oblivion of the past in respect of political offences committed since the year 1868, and the freedom of slaves in the insurgent ranks.[84] In practice, however, the Cuban deputies were never truly representative, but were men of Spanish birth designated usually by the captain-general. By gradual emancipation slavery ceased to exist in the island in 1885. The powers of the captain-general, the most objectionable feature of Spanish rule, continued uncurtailed.

The insurrection that broke out in Cuba in February, 1895, and continued until the intervention of the United States in April, 1898, presented in a more aggravated form the same features as the ten years' war; the same desultory methods of warfare; the same disregard by both parties of the rules of civilized nations; and the same liberal concessions on the part of Spain when intervention was spoken of. The Spanish government showed itself lavish of promises but slow of fulfillment. President Cleveland declared in his annual message of December 7, 1896, that the forbearance of the United States had its limits. "When the inability of Spain to deal successfully with the insurrection has become manifest," he said, "and it is demonstrated

[84] Sen. Ex. Doc. No. 79, Forty-fifth Congress, Second Session.

that her sovereignty is extinct in Cuba for all purposes of its rightful existence, and when a hopeless struggle for its re-establishment has degenerated into a strife which means nothing more than the useless sacrifice of human life and the utter destruction of the very subject-matter of the conflict, a situation will be presented in which our obligations to the sovereignty of Spain will be superseded by higher obligations, which we can hardly hesitate to recognize and discharge." [85]

The struggle dragged on from bad to worse without interference on the part of the United States until the blowing up of the United States steamship *Maine* in Havana harbor, February 15, 1898, rendered a continuance of the existing condition of affairs intolerable. On the 20th of April Congress passed a joint resolution directing the President to demand the withdrawal of the land and naval forces of Spain from Cuba and Cuban waters and the relinquishment by Spain of all authority and government in the island. The land and naval forces of the United States were placed at the disposal of the President for the purposes of carrying this resolution into effect. At the same time Congress disclaimed any "intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof."

The events of the war that followed are still fresh in our minds. Since its close the United States has proceeded in good faith with the work of pacifying the island of Cuba and organizing local civil government. The destiny of the island is still too problematical to fall within the scope of this volume.

[85] Messages and Papers of the Presidents, Vol. IX, p. 722.

CHAPTER IV

The Proposed Central American Canal

The recent war with Spain and the voyage of the *Oregon*, which held for weeks the attention of the civilized world, have brought the question of an interoceanic canal into greater prominence than ever. This problem is so closely connected with the general course of expansion upon which we have recently entered that the construction of a waterway between the Atlantic and Pacific oceans in the near future is a matter of reasonable certainty.

The cutting of the isthmus between North and South America has been the dream of navigators and engineers since the first discoverers ascertained that nature had neglected to provide a passage. Yet the new continent which so unexpectedly blocked the way of Columbus in his search for the Indies has opposed hitherto an insurmountable barrier to the commerce of the East and the West. The piercing of the isthmus has always seemed a perfectly feasible undertaking, but the difficulties in the way are greater than would appear at first sight. They are twofold in character. There are (1) the physical or engineering problems to be solved, and (2) the diplomatic complications regarding the control of the canal in peace and its proper use in war. The insignificance of the Spanish-American states, whose territories embrace the available routes, and their recognized inability

either to construct or protect a canal have made what might otherwise have been merely a question of domestic economy one of grave international import. In this respect, as in others, the problem presents the same features as the Suez canal. For the last twenty years public opinion in the United States has been divided on the question of American vs. international control, and the policy of the government publicly expressed has wavered. Until 1880, our policy, as expressed by political parties of all creeds, was in the main consistent and favored a canal open to the commerce of all nations upon an equal footing and open to the transit of war vessels in peace and in war on condition of the neutrality of the canal being observed.

In 1880, President Hayes inaugurated a so-called broader American policy, demanding that any canal that might be constructed should be under American, meaning thereby United States, control, and that the line of such canal should be "considered a part of the coast-line of the United States"—language which implied the reduction of the Central American republics to a position of virtual vassalage to the United States. President Cleveland, however, in his first annual message, reverted to our traditional policy, and there has been no public expression of policy to the contrary since, though public opinion remains divided.

Until the present century the comparative merits of the Tehuantepec, the Nicaragua and the Panama routes divided the opinion of experts. More recently the Tehuantepec route, with a length of 144 miles and an elevation of 680 feet, has been eliminated, and the controversy has waged as to the relative advantages

of the Nicaragua and the Panama routes. The length of the Nicaragua route, from Greytown on the Atlantic to Brito on the Pacific by way of the San Juan river and through Lake Nicaragua, is about 170 miles. The elevation of the lake above the sea is about 110 feet. Its western shore is only twelve miles from the Pacific, with an intervening divide 154 feet above the sea. From the southeast corner of the lake flows the San Juan river, 120 miles to the Atlantic, with an average fall of about 10 inches to the mile. Three locks on each side of the lake would probably be sufficient. The serious objections to this route are: (1) the lack of harbors at the terminals, Brito being a mere indentation on the coast, rendering the construction of immense breakwaters necessary, while at Greytown the San Juan broadens out into a delta that would require extensive dredging; and (2) the enormous rainfall at Greytown, exceeding that known anywhere else on the western continent—nearly 25 feet.

The Panama route from Colon on the Atlantic to Panama on the Pacific is less than 50 miles in length, with an elevation nearly double that of Nicaragua to be overcome. There are natural harbors at each end which are capacious and can be made to accommodate the heaviest shipping. The Panama Railroad, built along the line of the proposed canal, in 1850-55, gives this route an additional advantage. There are, however, certain disadvantages: (1) the unhealthfulness of the vicinity, rendering labor scarce and inefficient; (2) the heavy rainfall, 10 to 12 feet at Colon; and (3) the treacherous character of the geologic structure, due to its volcanic origin, through which the cut has to be made. The impossibility of making even approxi-

mate estimates of the cost of the work in such a deadly climate and through such an uncertain geological formation has been one of the greatest difficulties to be overcome.

The De Lesseps plan provided for an open cut throughout at the sea-level, at an estimated cost of $170,000,000. The work was begun in 1884 and prosecuted until 1888, when the gigantic scheme collapsed, after having expended about $300,000,000 and having accomplished less than one-third of the work. American engineers have always favored the Nicaragua route as the more practicable and least expensive one, and the attention of the United States government has been mainly directed to that route.

Great as the engineering problems of the various canal schemes have been shown to be, the importance to the world's commerce of the object in view would, in all probability, have led to their solution long ago and to the construction of a canal, had it not been for difficulties of an altogether different character, complications arising out of the question as to the status of the canal in international law. The diplomatic difficulties in the case of an interoceanic canal are very great. It cannot be regarded as a natural strait, like the Dardanelles, the Danish Belts, or the Straits of Magellan, which were for a long time held under exclusive jurisdiction, but are now free to all nations. Nor, on the other hand, could a central American canal be compared to the Kiel canal, which is within the territory of the German empire, and which, although open to foreign commerce, is yet reserved for the exclusive military control of the German government. Such canals as this are built by the capital

of the country through which they pass, and are protected and controlled by its government.

No one of the republics to the south of us, through whose territory it is proposed to build a canal, can raise the capital for its construction or insure its protection when completed. No company chartered by one of these governments could raise the necessary capital without some further guarantee. Hence it is that all companies organized for this purpose have secured their charters from some more powerful nation, such as the United States or France, and their concessions from one of the Central American states. This renders necessary, therefore, a treaty between the state granting the concession or right to construct a canal through its territory and the state chartering the company, and hence granting it its protection. Further complications arise from the demands of other states, who claim, under the most favored-nation clause, from the state granting the concession equal commercial rights with the chartering state, and who protest against the exclusive military use of the canal.

Bearing these facts in mind, we may now look into the negotiations that have been opened and the treaties that have been made, with a view to determining the diplomatic status of the proposed canal.

The question of the construction of a ship canal across the isthmus was given a new impetus by the establishment of the independence of the Spanish-American republics, and was one of the proposed subjects of discussion at the Congress of American Republics summoned by Bolivar to meet at Panama in 1826. In the instructions to the United States commissioners to that congress, Mr. Clay authorized

them to enter into the consideration of that subject, suggesting that the best routes would likely be found in the territory of Mexico or of the Central Republic. As to the diplomatic status of the canal, he says: "If the work should ever be executed so as to admit of the passage of sea vessels from ocean to ocean, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls." [1]

In 1835, and again in 1839, the United States Senate passed resolutions authorizing the President to enter into negotiations with other nations, particularly Central America and New Granada, for the purpose of protecting by treaty either individuals or companies who might undertake to open communication between the two oceans, and of insuring "the free and equal navigation of the canal by all nations." Presidents Jackson and Van Buren both commissioned agents with a view to carrying out these resolutions, but without success.

While a prisoner at Ham in 1845, Prince Louis Napoleon Bonaparte secured from the government of Nicaragua a concession granting him power to organize a company for the construction of a waterway to be known as "Le Canale Napoléon de Nicaragua." After his escape from Ham, he published in London a pamphlet entitled "The Canal of Nicaragua, or a Project for the Junction of the Atlantic and Pacific Oceans by means of a Canal." [2]

[1] Report of International American Conference, Vol. IV (Hist. App.), p. 143.

[2] Snow: Treaties and Topics in American Diplomacy, p. 328.

Although the United States government has been a party to endless negotiations in regard to an interoceanic canal, there are only three treaties of any practical importance by which it has acquired rights and assumed obligations on that account.[3] These are: (1) the treaty with New Granada (Colombia) of 1848; (2) the Clayton-Bulwer treaty with England of 1850; and (3) the treaty with Nicaragua of 1867. We shall proceed to examine these in detail.

The treaty with New Granada was signed at Bogota, December 12, 1846, and ratified by both governments in 1848. It did not differ materially from the general draft of treaties, except in the thirty-fifth article, which was of a special character and related to the Isthmus of Panama. By this article "the government of New Granada guarantees to the government of the United States that the right-of-way or transit across the Isthmus of Panama, upon any modes of communication that now exist or that may be hereafter constructed, shall be open and free to the government and citizens of the United States," for the transportation of all articles of lawful commerce upon the same terms enjoyed by the citizens of New Granada. "And in order to secure to themselves the tranquil and constant enjoyment of these advantages, and for the favors they have acquired by the 4th, 5th and 6th articles of this treaty, the United States guarantee positively and efficaciously to New Granada, by the present stipulation, the perfect neutrality of the beforementioned isthmus, with the view that the free transit

[3] Our treaties with Mexico and Honduras, although covering the case of canal constructions, are of no practical importance, as the routes through these countries are not feasible.

from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and, in consequence, the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory." [4]

This treaty was to remain in full force for twenty years, and then, if neither party gave notice of intended termination, it was to continue in force, terminable by either party at twelve months' notice. No such notice has ever been given and no other treaty on the same subject has been executed. This treaty is consequently binding upon both parties. On more than one occasion the government of the United States has been called upon to enforce its guarantee. Under the protection of this treaty the Panama Railroad Company, composed mainly of citizens of the United States, secured a charter from New Granada, and between 1850 and 1855 constructed a railroad across the isthmus along the line of the proposed Panama canal. In consequence of the riot at Panama in 1856, efforts were made by the United States to modify this treaty so as to give the United States greater control and power to protect the means of transit, but without success.[5] Other attempts to modify it in 1868 and 1870 likewise failed.[6]

In 1862 the Granadian government, through its representative at Washington, notified the United

[4] Correspondence in relation to the Proposed Interoceanic Canal, the Clayton-Bulwer Treaty, and the Monroe Doctrine. Government Printing Office, 1885, p. 5. Referred to hereafter as "Collected Correspondence."

[5] Collected Correspondence, pp. 23-27.

[6] Ibid., pp. 27 and 40.

States that a revolutionary chief, who was then trying to subvert the Granadian confederation, had sent an armed force to occupy the Isthmus of Panama, and the government of Granada called upon the United States to enforce its guarantee. Simultaneously the same information was received from the United States consul at Panama, and the President instructed the United States naval commander at that port to protect at all hazards and at whatever cost the safety of the railroad transit across the isthmus.

The Granadian government, however, was not satisfied with this action, and urged the United States to land a body of troops at Panama, suggesting that it consist of 300 cavalry. Under the circumstances, President Lincoln hesitated to take such action without consulting Great Britain and France, and Mr. Seward instructed our representatives at London and Paris to seek an understanding with those governments in regard to the matter. He declared: "This government has no interest in the matter different from that of other maritime powers. It is willing to interpose its aid in execution of its treaty and for the benefit of all nations. But if it should do so it would incur some hazard of becoming involved in the revolutionary strife which is going on in that country. It would also incur danger of misapprehension of its object by other maritime powers if it should act without previous consultation with them."[7]

In a conference between Mr. Adams and Lord John Russell, the latter declared that he did not consider that the contingency had arisen which called for intervention; that so far as he could learn, no attempt had

[7] Seward to Adams, July 11, 1862.

been made to obstruct the free transit across the isthmus. The French government took substantially the same view.[8] In questions of a similar nature that arose later, the attorney-general of the United States expressed the opinion that the guarantee by the United States of Granadian sovereignty and property in the territory of the isthmus was only against foreign governments, and did not authorize the United States to take sides with one or the other party in the intestine troubles of that nation.

In April, 1885, the Colombian government, which was embarrassed by civil war, called upon the United States for the fulfillment of the treaty of 1846, to secure the neutrality and sovereignty of the isthmus. President Cleveland at once sent a body of troops to the isthmus with instructions to confine their action to preventing the transit and its accessories from being interrupted or embarrassed. As soon as peace was re-established, the troops of the United States were withdrawn.[9]

Four years after the signature of the above treaty with Colombia, and two years after its ratification by the Senate, the United States and Great Britain executed what is popularly known as the Clayton-Bulwer treaty. It is of great importance to understand clearly the circumstances under which this treaty was negotiated.

For very obvious reasons, the Isthmus of Panama was for many years the objective point of all canal schemes, but as the engineering difficulties of this

[8] Collected Correspondence, pp. 7 and 8.

[9] Mr. Scruggs to Mr. Bayard, April 16, 1885, For. Rel., also Messages and Papers of the Presidents, Vol. VIII, p. 326.

route began to be fully appreciated, attention was directed more and more to that through Nicaragua. The occupation by Great Britain, under the assumption of a protectorate, of the territory about the mouth of the San Juan river, which belonged to Nicaragua and Costa Rica, and in which the Atlantic terminus of the canal would fall, was a source of no little uneasiness and perplexity to the United States. In June, 1849, Mr. Hise, chargé d'affaires of the United States in Central America, negotiated without the authorization or knowledge of his government, a treaty with Nicaragua which gave the United States exclusive rights in the construction of a canal through the territory of that state.[10] This treaty was not submitted to the Senate, but was made use of in the negotiations that were opened shortly thereafter with Great Britain for the purpose of ousting her from her position of control over the mouth of the San Juan. A few months later, September 28, 1849, Mr. Squier signed with Honduras a treaty which ceded Tiger Island, in the Bay of Fonseca, to the United States, thus giving us a naval station on the Pacific side of the isthmus. This treaty, like that negotiated by Mr. Hise, was unauthorized and never submitted to the Senate.[11] Both treaties were used, however, in bringing England to the signature of the Clayton-Bulwer treaty. This activity in treaty-making was occasioned by the acquisition of California and the rush to the gold fields by way of the isthmus.

During the period that elapsed between Mr. Bancroft's withdrawal from London and Mr. Lawrence's arrival as the representative of the United States, Mr.

[10] Collected Correspondence, p. 94. [11] Ibid., p. 14.

Clayton instructed Mr. Rives, who was on his way to Paris, to stop in London and hold a conference with Lord Palmerston on the Central American question. At this date the United States was striving simply for equal rights in any waterway that might be opened through the isthmus and not for any exclusive rights. Mr. Rives declared to Lord Palmerston "that citizens of the United States had entered into a contract with the state of Nicaragua to open, on certain conditions, a communication between the Atlantic and Pacific oceans by the river San Juan and the Nicaragua lake; that the government of the United States, after the most careful investigation of the subject, had come undoubtedly to the conclusion that upon both legal and historical grounds the state of Nicaragua was the true territorial sovereign of the river San Juan as well as of the Nicaragua lake, and that it was, therefore, bound to give its countenance and support, by all proper and reasonable means, to rights lawfully derived by their citizens under a grant from that sovereign." He further said: "That the United States would not, if they could, obtain any exclusive right or privilege in a great highway, which naturally belonged to all mankind, for they well knew that the possession of any such privilege would expose them to inevitable jealousies and probable controversies which would make it infinitely more costly than advantageous; that while they aimed at no exclusive privilege for themselves, they could never consent to see so important a communication fall under the exclusive control of any other great commercial power; that we were far from imputing to Her Britannic Majesty's government any views of that kind, but Mosquito possession

at the mouth of the San Juan could be considered in no other light than British possession, and his lordship would readily comprehend that such a state of things, so long as it was continued, must necessarily give rise to dissatisfaction and distrust on the part of other commercial powers." [12]

The negotiations thus opened by Mr. Rives were continued by Mr. Lawrence upon his arrival in England, but were shortly thereafter transferred to Washington, where Mr. Clayton succeeded in arranging with Sir Henry Lytton Bulwer the terms of a convention which were signed April 19, 1850. The intention of the two governments, as declared in the preamble, was to set forth "their views and intentions with reference to any means of communication by ship canal which may be constructed between the Atlantic and Pacific oceans by the way of the river San Juan de Nicaragua, and either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific ocean."

By the first article Great Britain and the United States bind themselves never to obtain or maintain any exclusive control over the said ship canal; never to erect or maintain any fortifications commanding the same or in the vicinity thereof, or to colonize or exercise dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; and never to make use of any alliance, connection or influence with any of these states to obtain any unequal advantages in regard to commerce or navigation through the said canal.

The second article provides for the neutralization

[12] Collected Correspondence, pp. 11 and 12.

of the canal in the event of war between the contracting parties. The third guarantees protection for the persons and property of the parties legally undertaking the construction of the canal. The fourth relates to gaining the consent of the states whose territory the canal shall traverse. The fifth article provides for the neutralization and protection of the canal so long as it is managed without discrimination against either of the contracting parties, and stipulates that neither of them shall withdraw its protection without giving the other six months' notice. In the sixth article the contracting parties promise to invite every state with which they are on terms of friendly intercourse to accede to this convention. In the seventh article the contracting parties agreed to lend their support and encouragement to the first company offering to construct the canal in accordance with the spirit and intention of this convention. The eighth article is of special importance. It declares that "the governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communication, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama."[13]

Such are the main stipulations of the celebrated

[13] Collected Correspondence, p. 99.

Clayton-Bulwer treaty, which has probably called forth more discussion than any other treaty in existence.

A large number of people on this side of the Atlantic, forgetting the object and aim of the treaty and the circumstances under which it was negotiated, think that the United States conceded too much and violated the principle of the Monroe Doctrine in giving England a position and interest in America which she did not before possess. This opinion was held by many prominent statesmen of that day, notably by Buchanan, who poured forth severe criticism and ridicule upon the treaty. While it was before the Senate for ratification, he wrote to a friend: "If Sir Henry Bulwer can succeed in having the two first provisions of this treaty ratified by the Senate, he will deserve a British peerage. The consideration for our concessions is the relinquishment of the claim to the protectorate of the Mosquito shore—so absurd and unfounded that it has been ridiculed even by the London Times. Truly Sir Henry has brought this claim to a good market when he found a purchaser in Mr. Clayton. The treaty altogether reverses the Monroe Doctrine, and establishes it against ourselves rather than European governments." [14]

Let us see what the interests of the two signatory powers were at that time in Central America.

The United States had recently acquired California by the treaty of Guadalupe-Hidalgo, and the rapid development of the Pacific states made the canal a question of greater importance to the United States

[14] Mr. Buchanan to Hon. John A. McClernand, April 2, 1850, American Hist. Rev., Oct., 1899.

than ever before. The great transcontinental railroads, which some fifteen years later established direct overland communication with the Pacific states, were then hardly thought of.

England's interest in the canal, on the other hand, was rather a prospective one, but farsighted as usual, she had provided for future contingencies by occupying several years before, under the guise of a protectorate over the Mosquito Indians, Greytown at the mouth of the San Juan river, the Atlantic terminus of the canal. In addition to the Mosquito coast, England at this time held the Bay Islands and Belize, or British Honduras. The United States, it is true, had never recognized the claims of Great Britain to dominion over the Mosquito coast. These claims, which dated back to the eighteenth century, when British pirates and smugglers took refuge in the territory occupied by the Mosquito Indians and established cordial relations with them, had been abandoned by the treaty of 1786 with Spain, but were revived in 1841, when a ship of war was sent to San Juan del Norte to announce the protection of England over the lands of the Mosquito king and to raise the Mosquito flag.[15] In 1848 the English and Indians drove the Nicaraguans out of the town and changed the name to Greytown.

The United States uniformly denied the rights of the Mosquito king to sovereignty over the district, and consequently the pretensions of the inhabitants of Greytown to political organization or power derived in any way from the Mosquitos. In his instructions to Mr. Hise soon after the occupation of Greytown, Mr.

[15] Wharton's Digest, Sec. 295.

Buchanan said: "The object of Great Britain in this seizure is evident from the policy which she has uniformly pursued throughout her history, of seizing upon every available commercial point in the world whenever circumstances have placed it in her power. Her purpose probably is to obtain control of the route for a railroad or canal between the Atlantic and Pacific oceans by way of Lake Nicaragua. . . . The government of the United States has not yet determined what course it will pursue in regard to the encroachment of the British government. . . . The independence as well as the interests of the nations on this continent require that they should maintain an American system of policy entirely distinct from that which prevails in Europe. To suffer any interference on the part of the European governments with the domestic concerns of the American republics, and to permit them to establish new colonies upon this continent, would be to jeopard their independence and ruin their interests. These truths ought everywhere throughout this continent to be impressed upon the public mind; but what can the United States do to resist such European interference whilst the Spanish-American republics continue to weaken themselves by civil divisions and civil war, and deprive themselves of doing anything for their own protection."

Whatever the rights of the case, Great Britain was in actual possession of the Atlantic terminus of the proposed canal, and the United States was not prepared forcibly to oust her, even if such a course had been deemed advisable. The United States had no rights in the case at this time by treaty with Nica-

ragua or otherwise, none of the statesmen of that day having been broad enough in their views or bold enough to consider the territory of Nicaragua as "a part of the coast-line of the United States." All that could be opposed to England's *de facto* possession was the Monroe Doctrine, and England held that her claim antedated the declaration of that principle of American diplomacy.

The Clayton-Bulwer treaty left open several minor questions that required adjustment before the canal enterprise could be pushed forward with success. Chief among these were the dispute between Nicaragua and Costa Rica in regard to their boundary line and the controversy between Great Britain and Nicaragua in regard to the territory claimed by the Mosquito Indians. In April, 1852, Mr. Webster and Sir John Crampton agreed upon a basis for the settlement of Central American affairs, and drew up and signed a proposal to be submitted to Nicaragua and Costa Rica.[16] This proposed basis for a treaty was rejected by Nicaragua, which left the questions involved in the same unsettled position.

A much more serious obstacle to the accomplishment of the objects of the Clayton-Bulwer treaty than the failure of the above proposal arose from the wide divergence of opinion between the British and American governments in regard to its interpretation. The discussion involved two principal points: (1) Whether the abnegatory clauses of the first article were merely prospective in character and directed against future acquisitions in Central America, or whether they required Great Britain to abandon her

[16] Collected Correspondence, p. 102.

protectorate over the Mosquito coast at once; and (2) whether the Bay Islands came within the purview of the treaty. It was expressly stipulated that Belize or British Honduras was not included in Central America and therefore not affected by the treaty one way or the other. A declaration to this effect was filed at the state department by the British minister, Sir Henry Bulwer. In reply, Mr. Clayton, after conference with the chairman of the Senate committee on foreign relations, acknowledged that British Honduras did not come within the scope of the treaty, but at the same time carefully refrained from affirming or denying the British title to that settlement or its alleged dependencies.[17] This left open the question as to whether the Bay Islands were dependencies of Belize or of the Republic of Honduras.

Shortly after the failure of the Crampton-Webster proposals, Great Britain took advantage of the uncertainty that existed in regard to the status of the Bay Islands and by a formal proclamation, issued July 17, 1852, converted her settlements on those islands into "The Colony of the Bay Islands." When the United States government expressed its surprise at this proceeding, the British government replied that the Bay Islands were dependencies of Her Majesty's settlement at Belize and therefore, by explicit agreement, not within the scope of the Clayton-Bulwer treaty.[18]

In 1856 an effort was made to terminate the difficulties arising out of the different constructions put

[17] Collected Correspondence, p. 234, also Wharton's Digest, Sec. 150 (f), Vol. II, p. 190.

[18] Collected Correspondence, p. 248.

upon the Clayton-Bulwer treaty by the negotiation of a supplementary convention. On October 17 of that year a treaty was signed in London by the American minister and Lord Clarendon, known as the Dallas-Clarendon treaty. It provided:

(1) For the withdrawal of the British protectorate over the Mosquito Indians.

(2) It regulated the boundaries of the Belize settlements on the basis of a compromise.

(3) It provided for a cession of the Bay Islands to Honduras, upon condition of the ratification of a treaty already negotiated between Great Britain and Honduras, which virtually erected an independent state of the islands, exempt in many particulars from the sovereignty of Honduras, and under the protectorate of Great Britain. The first two clauses were acceptable to the United States Senate, but it was deemed proper to amend the third by striking out all that part of it which contemplated the concurrence of the United States in the British treaty with Honduras, and simply to provide for a recognition by the two governments of the sovereignty of Honduras over the islands in question.[19] Great Britain rejected this amendment and the Dallas-Clarendon treaty fell through.

Great Britain and the United States were thus thrown back upon the Clayton-Bulwer treaty with its conflicting interpretations.

In October, 1857, the President was notified informally that the British government had decided to dispatch Sir Wm. Ouseley, a diplomatist of well-recognized authority and experience, to Central Amer-

[19] Collected Correspondence, p. 286.

ica to make a definite settlement of all matters in dispute between the United States and England. That the efforts of the new plenipotentiary would be directed to those objects which had been dealt with in the Dallas-Clarendon treaty of 1856, viz., the cession of the Bay Islands to Honduras, the substitution of the sovereignty of Nicaragua for the protectorate of England over the Mosquitos and the regulation of the frontiers of Belize. That it was the intention of Her Majesty's government to carry the Clayton-Bulwer treaty into execution according to the general tenor of the interpretation put upon it by the United States, but to do so by separate negotiation with the Central American republics, in lieu of a direct engagement with the federal government.[20]

President Buchanan replied that he would be satisfied with this course and that upon receiving an official assurance to that effect, he would change the character of the message he had already prepared for Congress.

On the 30th of November, 1857, the British government submitted to the United States the alternative of referring the Clayton-Bulwer treaty to the arbitration of any European power which the United States might prefer to select or of adjusting matters by negotiations with the Central American republics, as already outlined in Sir Wm. Ouseley's prospective mission.[21]

At this stage of the negotiations matters were further complicated (1) by the negotiation of the Cass-Yrissari treaty of November 16, 1857, between the United States and Nicaragua for protection of the

[20] Collected Correspondence, p. 262-63. [21] Ibid., p. 276.

transit route and (2) by the invasion of Nicaraguan territory by a band of filibusters under General Walker, bent on the subversion of the lawful government of the country. The treaty was not ratified, however, and the Walker expedition was arrested by the interposition of the United States navy.

The United States government not having given any definite answer to the British proposal to submit the treaty to arbitration, the British government delayed dispatching Sir Wm. Ouseley on his mission. In the negotiations which took place during this delay the question of the abrogation of the Clayton-Bulwer treaty was discussed between the two governments. In his message of December 8, 1857, President Buchanan had suggested the abrogation of the treaty by mutual consent as the wisest course that could be pursued in view of the increasing complications to which the varying constructions of it were giving rise. The British government took up this suggestion and expressed its willingness to concur in such a course, but also expressed the opinion that the initiative should be taken by the government which was dissatisfied with its provisions.

The British minister was, however, directed by his government to make it perfectly clear to the government of the United States, that to abrogate the treaty was to return to the *status quo ante* its conclusion in 1850; that Great Britian had no kind of jealousy respecting American colonization in Central America, and did not ask nor wish for any exclusive privileges whatever in that quarter.[22]

Finally, Sir William Ouseley was dispatched on his

[22] Collected Correspondence, p. 280.

mission and during the years 1859 and 1860 succeeded in negotiating treaties with Guatemala, Honduras and Nicaragua, the provisions of which were in substantial accord with the rejected Dallas-Clarendon treaty.[23]

The treaty with Nicaragua signed at Managua, January 28, 1860, though restoring to that republic nominal sovereignty over the Mosquito territory, reserved to the Indians the right of retaining their own customs, assigned boundaries to that reservation in all probability greatly beyond its true limits, and confirmed grants of land previously made in that territory. Notwithstanding these facts, in his annual message of December 3, 1860, President Buchanan declared that the United States government was satisfied with the final settlement. His words were: "The discordant constructions of the Clayton-Bulwer treaty between the two governments, which at different periods of the discussion bore a threatening aspect, have resulted in a final settlement entirely satisfactory to this government."[24]

The Clayton-Bulwer treaty was negotiated with the expectation that the construction of a ship canal would rapidly follow, but the unfortunate entanglements that grew out of the variant constructions put upon that treaty by the contracting powers deferred to an indefinite period the accomplishment of the object it was designed to promote. By the time these differences were finally adjusted the attention of the American public was centred upon the first throes of the gigantic struggle of the war of secession and the canal question was for several years completely over-

[23] Collected Correspondence, pp. 294-302.
[24] Messages and Papers of the Presidents, Vol. V, p. 639.

shadowed. The government of the United States emerged from that struggle with larger ideas of its position among the powers of the world and with broader views of national policy. Mr. Seward gave expression to that feeling in the purchase of Alaska, in his interposition in Mexico and in his efforts to secure a position for the United States in the West Indies. In order to strengthen the position of the United States he wished to purchase Tiger Island, a possession of Honduras in Fonseca bay on the Pacific coast. As this island lay in Central America, Mr. Seward could not take any steps in the matter without the consent of Great Britain, on account of the renunciatory clause with respect to that territory in the Clayton-Bulwer treaty. He, therefore, directed Mr. Adams, April 25, 1866, to sound Lord Clarendon as to the disposition of the British government toward the United States acquiring a coaling station in Central America. In this dispatch we find the first suggestion of a repudiation of the Clayton-Bulwer treaty on the ground that it was a special and not a general contract, and that the work for which it had been negotiated had never been undertaken. Mr. Seward uses these words: "At the time the treaty was concluded there was every prospect that that work would not only soon be begun, but that it would be carried to a successful conclusion. For reasons, however, which it is not necessary to specify, it never was even commenced, and at present there does not appear to be a likelihood of its being undertaken. It may be a question, therefore, supposing that the canal should never be begun, whether the renunciatory clauses of the treaty are to have perpetual operation.

Technically speaking, this question might be decided in the negative. Still, so long as it should remain a question, it would not comport with good faith for either party to do anything which might be deemed contrary to even the spirit of the treaty." [25]

The subject was brought to the attention of Lord Clarendon in a casual way by Mr. Adams, but it was not pressed and Mr. Seward refrained from disregarding the renunciatory clause of the treaty.

In 1867, a treaty was negotiated and ratified between the United States and Nicaragua, covering the case of an interoceanic canal. This treaty need not delay us. It granted to the United States the right of transit between the Atlantic and Pacific oceans on any lines of communication, natural or artificial, by land or by water, then existing, or that might thereafter be constructed, upon equal terms with the citizens of Nicaragua, and the United States agreed to extend its protection to all such routes of communication, and "to guarantee the neutrality and innocent use of the same." The United States further agreed to employ its influence with other nations to induce them to guarantee such neutrality and protection.[26]

This treaty, like the treaty with Colombia of 1848 and the Clayton-Bulwer treaty, contemplated the neutrality of the canal. It in no way infringed our engagements with England under the Clayton-Bulwer treaty, but in providing for the joint guarantee of other powers, was in accord with the provisions of that treaty.

In 1873, Mr. Hamilton Fish directed Gen. Schenck to remonstrate, if upon investigation he found it to be

[25] Collected Correspondence, p. 303. [26] Ibid., p. 132.

necessary, against British encroachments upon the territory of Guatemala as an infringement of the Clayton-Bulwer treaty.[27]

In spite of the doubts expressed by Mr. Seward in the dispatch to Mr. Adams above quoted, as to the perpetual character of the obligations imposed by the Clayton-Bulwer treaty, the obligatory force of that instrument after the readjustment of 1860 was not seriously questioned until interest in the canal question was suddenly aroused anew by the concession granted by Colombia to Lieutenant Wyse in 1878, and the subsequent organization of a French construction company under the presidency of Ferdinand de Lesseps, the engineer of the Suez canal.

The prospect of the speedy construction of a canal under French control, for which De Lesseps' name seemed a sufficient guarantee, produced a sudden and radical change of policy on the part of the United States. In a special message to Congress, March 8, 1880, President Hayes made the following statement of what he conceived to be the true policy of this country in regard to a Central American canal:

"The policy of this country is a canal under American control. The United States cannot consent to the surrender of this control to any European power, or to any combination of European powers. If existing treaties between the United States and other nations, or if the rights of sovereignty or property of other nations stand in the way of this policy—a contingency which is not apprehended—suitable steps should be taken by just and liberal negotiations to promote and establish the American policy on this

[27] Collected Correspondence, pp. 310-12.

subject, consistently with the rights of the nations to be affected by it.

"The capital invested by corporations or citizens of other countries in such an enterprise must, in a great degree, look for protection to one or more of the great powers of the world. No European power can intervene for such protection without adopting measures on this continent which the United States would deem wholly inadmissible. If the protection of the United States is relied upon, the United States must exercise such control as will enable this country to protect its national interests and maintain the rights of those whose private capital is embarked in the work.

"An interoceanic canal across the American isthmus will essentially change the geographical relations between the Atlantic and Pacific coasts of the United States, and between the United States and the rest of the world. It will be the great ocean thoroughfare between our Atlantic and our Pacific shores, and virtually a part of the coast-line of the United States. Our merely commercial interest in it is greater than that of all other countries, while its relation to our power and prosperity as a nation, to our means of defence, our unity, peace and safety, are matters of paramount concern to the people of the United States. No other great power would, under similar circumstances, fail to assert a rightful control over a work so closely and vitally affecting its interests and welfare.

"Without urging further the grounds of my opinion, I repeat, in conclusion, that it is the right and the duty of the United States to assert and maintain such supervision and authority over any interoceanic canal

across the isthmus that connects North and South America as will protect our national interests. This I am quite sure will be found not only compatible with, but promotive of, the widest and most permanent advantage to commerce and civilization." [28]

Before undertaking a discussion of the merits of the principles laid down in this message, it may be well to state this policy in full as it was elucidated by the state department in its correspondence with England.

The message itself was accompanied by a report from the secretary of state, Mr. Evarts, in which he called attention to the mutual engagements entered into between the United States and Colombia by the treaty of 1846 in reference to a transit route across the isthmus and declared that the guarantee of the neutrality of the isthmus and of the sovereignty of Colombia over the same would be a very different thing when the isthmus should be opened to the interests and ambitions of the great commercial nations.[29]

President Garfield, in his inaugural address, approved the position taken by his predecessor on the canal question,[30] and very soon after assuming the portfolio of state, Mr. Blaine outlined the new policy to our representatives in Europe, cautioning them, however against representing it as the development of a new policy and affirming that it was " nothing more than the pronounced adherence of the United States to principles long since enunciated by the highest authority of the government."

[28] Messages and Papers of the Presidents, Vol. VII, p. 585.
[29] Collected Correspondence, p. 313.
[30] Messages and Papers of the Presidents Vol. VIII, p. 11.

This dispatch of Mr. Blaine is remarkable for several reasons, but chiefly for the fact that it completely ignores the existence of the Clayton-Bulwer treaty, there being no allusion to that celebrated convention either open or implied. Aside from this there are three points to be noted. In the first place Mr. Blaine calls attention to the rights and duties devolving upon the United States from the treaty with Colombia of 1846, and states that in the judgment of the President the guarantee there given by the United States requires no reinforcement, or accession, or assent from any other power; that the United States in more than one instance had been called upon to vindicate the neutrality thus guaranteed; and that there was no contingency, then foreseen or apprehended, in which such vindication would not be within the power of this nation.

In the second place, Mr. Blaine declared with emphasis that during any war to which the United States of America or the United States of Colombia might be a party, the passage of armed vessels of a hostile nation through the canal of Panama would be no more admissible than would the passage of the armed forces of a hostile nation over the railway lines joining the Atlantic and Pacific shores of the United States, or of Colombia. This declaration was in direct opposition to the second article of the Clayton-Bulwer treaty. Mr. Blaine then proceeded to expatiate upon the remarkable development of our Pacific slope and the importance of the canal in facilitating communication between our Atlantic and Pacific states, alluding to the canal in this connection, in the very apt phrase of President Hayes, as forming a part of the *coast-*

line of the United States. It does not appear to have occurred to Mr. Blaine that the same arguments applied with equal force to Great Britain's American possessions to the north of us, which likewise extended from the Atlantic to the Pacific, and were likewise entering upon a period of unusual development.

The third point to be noted in the dispatch is the statement that the United States would object to any concerted action of the European powers for the purpose of guaranteeing the canal or determining its status.[31] This declaration was supposed to be nothing more than a reaffirmation of the Monroe Doctrine.

A copy of this document was left by Mr. Lowell at the British foreign office on the 12th of July, 1881. No formal notice of the dispatch was taken by the British government until November, when Lord Granville replied that, as Mr. Blaine had made the statement that the government of the United States had no intention of initiating any discussion upon this subject, he did not propose to enter into a detailed argument in reply to Mr. Blaine's observations. He wished, however, merely to point out that the position of Great Britain and the United States with reference to the canal, irrespective of the magnitude of the commercial relations of the former power, was determined by a convention signed between them at Washington on the 19th of April, 1850, commonly known as the Clayton-Bulwer treaty, and her majesty's government relied with confidence upon the observance of all the engagements of that treaty.[32]

Before this reply reached Washington, Mr. Blaine had again taken up the question of the canal in a

[31] Collected Correspondence, pp. 322-326. [32] Ibid., p. 326.

special dispatch of November 19, 1881. In this dispatch he addressed himself specifically to a consideration of the Clayton-Bulwer treaty, and urged upon the consideration of the British government modifications of such a radical character as to amount to a complete abrogation of the treaty. The grounds of objection to the treaty were stated in full. In the first place it was declared that the treaty had been made more than thirty years before under exceptional and extraordinary conditions, which were at least temporary in their nature and had long since ceased to exist. The remarkable development of the United States on the Pacific coast since that time had created new duties and responsibilities for the American government which required, in the judgment of the President, some essential modifications in the treaty. The objections to the perpetuity of the treaty were then stated in full. First and foremost was the objection that the treaty by forbidding the military fortification of the proposed canal practically conceded its control to Great Britain by reason of her naval superiority. The military power of the United States in any conflict on the American continent was irresistible, yet the United States was restrained from using this power for the protection of the canal, while no restrictions could be placed upon the natural advantages that England enjoyed in this regard as a great naval power. A more serious objection to the treaty, however, was urged in the statement that it embodied a misconception of the relative positions of Great Britain and the United States with respect to interests on this continent. The United States would not consent to perpetuate any treaty that impeached "our right and

long-established claim to priority on the American continent."

In the third place, at the time the convention was agreed upon, Great Britain and the United States were the only nations prominent in the commerce of Central and South America. Since that time other nations not bound by the prohibitions of that treaty had become interested in Central America, and the republic of France had become sponsor for a new canal scheme. Yet by the treaty with England the United States was prevented from asserting its rights and the privileges acquired through treaty with Colombia anterior to the Clayton-Bulwer treaty.

In the fourth place, the treaty had been made with the implied understanding that British capital would be available for the construction of a canal. That expectation had never been realized, and the United States was now able to construct a canal without aid from outside resources.

In conclusion, Mr. Blaine proposed several modifications of the treaty which would leave the United States free to fortify the canal and to hold political control of it in conjunction with the country in which it might be located.[88]

A few days after the dispatch was written, Lord Granville's answer to Mr. Blaine's first dispatch reached Washington, and on the 29th of November, Mr. Blaine wrote a second dispatch equally voluminous with the one of November 19. In this he reviewed the discussions which had taken place between 1850 and 1860 in regard to the treaty with a view to showing that it had never been satisfactory to the

[88] Collected Correspondence, pp. 327-332.

United States and had been the cause of serious misunderstanding. He failed, however, to make mention of the settlement of 1860 and the declaration of President Buchanan that the United States was satisfied with that adjustment.

The reply of the British government to Mr. Blaine's arguments was given in two dispatches dated respectively January 7 and 14, 1882. Lord Granville took exception to certain conclusions which Mr. Blaine had sought to establish by analogy with the conduct of Great Britain in regard to the Suez canal. His lordship fully concurred in what Mr. Blaine had said as to the unexampled development of the United States on the Pacific coast, but reminded him that the development of her majesty's possessions to the north of the United States, while less rapid, had been, nevertheless, on a scale that bore some relation even to that of the Pacific states. In the view of her majesty's government, the changes desired by the United States would not improve the situation as regarded the canal, while the declaration that the United States would always treat the waterway connecting the two oceans "as part of her coast-line" threatened the independence of the territory lying between that waterway and the United States.

Her majesty's government believed that the only way to relieve the situation was to extend the invitation to all maritime states to participate in an agreement based on the stipulations of the convention of 1850.[34]

The task of replying to Lord Granville's two dispatches fell upon Mr. Blaine's successor in the State

[34] Collected Correspondence, pp. 340-352.

Department, Mr. Frelinghuysen. Mr. Frelinghuysen's voluminous dispatch of May 8, 1882, reiterated in the main the arguments advanced by Mr. Blaine. He adduced evidence at great length to try to show that the Clayton-Bulwer treaty was a special contract for the accomplishment of a specific object, which had never been achieved, and was no longer binding; that Great Britain had violated the treaty by converting her *settlement* of British Honduras into a *possession* without ever receiving the assent of the United States, and that such act would entitle the United States to renounce the treaty. The dispatch was further characterized by a direct appeal to the Monroe Doctrine in these words: "The President believes that the formation of a protectorate by European nations over the isthmus transit would be in conflict with a doctrine which has been for many years asserted by the United States. This sentiment is properly termed a doctrine, as it has no prescribed sanction and its assertion is left to the exigency which may invoke it. It has been repeatedly announced by the executive department of this government, and through the utterances of distinguished citizens; it is cherished by the American people, and has been approved by the government of Great Britain." After quoting a part of President Monroe's message of December 2, 1823, and reviewing the circumstances under which it was delivered, Mr. Frelinghuysen said: "Thus the doctrine of non-intervention by European powers in American affairs arose from complications in South America, and was announced by Mr. Monroe on the suggestion of the official representative of Great Britain." [35]

[35] Collected Correspondence, pp. 160-161.

Those who have read the earlier pages of this volume can judge of the accuracy of this statement.

In his reply of December 30, 1882, Lord Granville proved conclusively that Article VIII. of the treaty was understood by the American government during the discussions of 1850-1860 as establishing a general principle applicable to all waterways connecting the two oceans. In answer to the second point, Lord Granville adduced the notes exchanged between Mr. Clayton and Sir Henry Bulwer in July, 1850, which made it perfectly clear that, in the understanding of both governments at that time, the claims of Great Britain to Belize or British Honduras were not affected one way or the other by the treaty.[36]

In a later dispatch, August 17, 1883, Lord Granville briefly touched upon Mr. Freylinghuysen's appeal to the Monroe Doctrine, reminding him very pertinently that neither the American administration which negotiated the treaty nor the Senate which ratified it considered that they were precluded by the utterances of President Monroe from entering into such a treaty with one or more of the European powers.[37]

The correspondence on the treaty closed with Mr. Frelinghuysen's dispatch of November 22, 1883, in which he reiterated with no small degree of bluntness and pertinacity the arguments of his earlier dispatches.

The Clayton-Bulwer treaty was designed at the time of its execution to establish a permanent principle of control over interoceanic communication in Central America. No provision was made, as in most treaties, for its abrogation, and the American government

[36] Collected Corresp., pp. 353-359. [37] Ibid., p. 364.

could not terminate it without the consent of Great Britain for fear that she would return to her position of vantage at the time the treaty was made.

Mr. Blaine's efforts to secure a modification were the result of the development of a new policy by the United States. The wisdom of that policy we shall discuss later. Apart from this question, however, it must be admitted that the arguments presented by Mr. Blaine and Mr. Frelinghuysen in support of their policy were disingenuous and flimsy. It may be safely said that no state papers have ever emanated from our government on so serious a question equally lacking in logical consistency and moral force.

The result was that Great Britain refused to consent to a modification of the treaty and the United States saw before her the alternative of abiding by the terms of the treaty or ultimately resorting to war with England.

In December, 1884, Mr. Frelinghuysen negotiated a treaty with Nicaragua providing for the construction of a canal by the United States to be under the joint ownership and protection of the United States and Nicaragua. The United States also guaranteed the integrity of the territory of Nicaragua. When Mr. Cleveland became president this treaty was still before the Senate for consideration. Mr. Cleveland withdrew the treaty, and in his first annual message, December 8, 1885, reverted to our traditional policy. He declared himself opposed to entangling alliances with foreign states and declared: "Whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world, must be for the world's benefit, a trust for mankind, to be re-

moved from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition." [38]

No discussion as to the validity of the Clayton-Bulwer treaty took place between the two governments after the close of President Arthur's administration. Mr. Cleveland's message above quoted was accepted as a reaffirmation of the treaty on the part of the American government.

Upon two occasions subsequently questions have arisen between the two governments involving the stipulations of the treaty. In 1888, and again in 1894, the United States felt called upon to protest against British interference in the affairs of the Mosquito coast.[39] The ground of interposition on the part of Great Britain was alleged to be found in the treaty of Managua, signed between Great Britain and Nicaragua on the 28th of January, 1860. This convention, it will be remembered, was one of the three treaties entered into by Great Britain with Central American republics with a view to removing the causes of dispute in construction of the Clayton-Bulwer treaty. The treaty of Managua assigned a district to the Mosquito Indians within the limits of the republic of Nicaragua. The sovereignty of Nicaragua over the district was recognized, but the Indians were secured in the possession and enjoyment of their own domestic customs and regulations. It was agreed, however, that nothing in the treaty should prevent the Mosquitos at any subsequent date from voluntarily agree-

[38] Messages and Papers of the Presidents, Vol. VIII, p. 327.
[39] See Mr. Bayard to Mr. Phelps, Nov. 23, 1888. For. Rel., 1888, Pt. I, pp. 759-768.

ing to absolute incorporation with the republic of Nicaragua. By the terms of the treaty the protectorate of Great Britain over the Mosquito coast was to cease three months after the exchange of ratifications.

In reply to the protest of 1888, Lord Salisbury said that her majesty's government had no intention to assert a protectorate in substance or in form over the Mosquito nation, but that according to the convention with Nicaragua of 1860, Great Britain undertook "to secure certain rights and privileges to the Mosquito Indians, and in the event, which has arisen, of the Mosquito Indians complaining that their rights are infringed by Nicaragua, by whom is remonstrance to be made to Nicaragua unless by Great Britain, with whom she has concluded the convention in question?" [40]

In the spring of 1894, yet more serious trouble arose. The Mosquito territory was invaded by the troops of Nicaragua and Bluefields was surrounded. The British consul at that point protested against this act as contrary to the treaty of Managua. The protest being unheeded, a force of troops was landed from the British ship *Cleopatra* and on March 9, the Nicaraguans were forced to retire. Mr. Bayard was instructed by telegraph "to ascertain and report fully by cable the occasion for this action." The British government disavowed all intention of violating the Clayton-Bulwer treaty, which it recognized "as extant and in full force."

In July, 1894, United States marines were landed at Bluefields to protect American interests and to

[40] For. Rel., 1889, p. 468.

restore order. Later the British government assured Mr. Bayard that its action had been wholly unconnected with any political or conventional question touching the Mosquito reservation, but simply to protect British interests.

By a convention signed November 20, 1894, the Mosquito Indians surrendered their rights under the treaty of 1860 and were incorporated with Nicaragua. This voluntary incorporation took away all further occasion for interposition on the part of Great Britain, and Mr. Bayard reported that it was received with "the most open expression of satisfaction at the foreign office." [41]

In apparent disregard of the incontrovertible facts of the case, public opinion in the United States at the present time seems utterly to ignore the binding force of the Clayton-Bulwer treaty and to demand the construction of a canal under American, meaning thereby United States, control.

In 1890, the Maritime Canal Company, which had secured a concession from Nicaragua and a charter from the Congress of the United States, began work on the formation of a harbor at Greytown. The work was carried forward until 1893, when the funds gave out and Congress was asked to make the enterprise a national one.

By act of March 2, 1895, Congress authorized the appointment of a commission of three engineers for the purpose of reporting on the feasibility, permanence and cost of completing the company's plans as detailed by the chief engineer in 1890. After spend-

[41] See Foreign Relations, 1894, App. 1, pp. 234-363. "Affairs at Bluefields."

ing two months in the field and three in examining the papers of the company, the commission reported that they believed a ship canal perfectly feasible, but disapproved of certain features of the company's plans, and about doubled the estimates of cost, raising them from $67,000,000 to $133,500,000.[42]

In accordance with a recommendation of the commission of 1895, Congress provided by act of June 4, 1897, for another commission to finish the investigations and make final plans and estimates. The report of this commission, which was dated December 26, 1898, placed the probable cost at $124,000,000.

In order that the most thorough investigation of the whole subject of trans-isthmian waterways might be made before final action on the part of the United States, a bill was passed by Congress on the morning of the adjournment of the last session, March 3, 1899, placing $1,000,000 at the disposition of the President for defraying the expenses of a new commission. This law expressly authorizes an investigation of the Panama route, but gives the President full discretion in examining other routes. It also gives the President authority to negotiate with the Central American countries for cessions or franchises which will give the United States control of the land upon which to construct the canal. This latter provision seems to imply a disregard of the Clayton-Bulwer treaty.

Having reviewed the diplomatic and other difficulties of the canal problem, we are now in a position to state in a few propositions the present status of the case.

(1) The commercial interests of the United States

[42] House Doc. No. 279, Fifty-fourth Cong., First Sess.

and of the world at large demand the speedy construction of a waterway between the Atlantic and Pacific oceans.

(2) The weight of public opinion in the United States at the present time seems to favor a canal under the control of the United States and subject to its exclusive military use in time of war.

(3) The Clayton-Bulwer treaty binds us to share our control of whatever canal may be built with England and such other powers as may hereafter unite in the guarantee of the canal, and to guarantee its absolute neutrality in time of war.

(4) England has shown herself unwilling to modify the terms of the Clayton-Bulwer treaty in our favor, and there is no reason to suppose that she will ever do so without some correspondingly valuable concession on our part.

Such being the status of the case, it is evident that the government of the United States must proceed with proper precaution in its canal policy and with due consideration for the interests of Great Britain.

It is still a debatable question whether our real and permanent interests dictate a canal under American control or a neutralized canal. Mr. Blaine wanted both, and thereby placed himself in the somewhat ludicrous position of the little boy who wanted to eat his apple and keep it too. He declared that the guarantee given by the United States was all-sufficient and did not require "reinforcement, or accession, or assent from any other power."[43] Mr. Blaine here showed himself obtusely ignorant of the doctrine and

[43] Mr. Blaine to Mr. Lowell, June 24, 1881. Collected Correspondence, p. 323.

practice of neutralization. The term neutrality is used in international law to indicate the position of a state which refrains from committing hostile acts against either of two belligerents, and the continuance of this status is altogether optional with the state exercising such neutrality. In other words, a state may at any time cease to be neutral of its own free volition and take part with one or the other belligerent. Neutralization, on the other hand, implies an altogether different state of affairs and can be brought about only by international agreement. A neutralized state cannot be the theatre of war and cannot take part in military movements except for purposes of self-defence. There are three instances of neutralized states in Europe at the present time. In 1815, after the final overthrow of Napoleon, the representatives of Great Britain, Austria, France, Russia and Prussia signed at Paris a declaration by which the perpetual neutrality of Switzerland was recognized and the inviolability of its territory guaranteed. That agreement has never been violated. In like manner the territory of Belgium was neutralized in 1831, and the Grand Duchy of Luxemburg in 1867, by agreement of European powers.

This was the sort of neutralization contemplated for the canal by the Clayton-Bulwer treaty. A unilateral guarantee of neutrality amounts to nothing when the state offering the guarantee is involved in war. The United States might by the display of a strong naval force maintain on her sole guarantee the neutrality of the Central American canal in any war to which she was not a party. But in case she became a party to the war, her guarantee would not be

respected by any power, and she could defend the canal against the seizure of her enemies only by the concentration of a naval force there able to meet all comers.

The case of the Suez canal establishes the only precedent for determining the status of an interoceanic canal in international law. In the concession to De Lesseps of 1856, the Khedive of Egypt declared that the canal and its ports should always be open as neutral passages to all ships of commerce. When the British intervened in Egypt in 1882, the line of the canal was seized and became the base of their military operations. Against this proceeding, De Lesseps invoked in vain the unilateral guarantee of the Khedive. His protests were disregarded by statesmen generally. Almost immediately thereafter the British government in a circular dispatch of January, 1883, proposed the neutralization of the canal. As a result of this proposal conferences were held at Paris in 1883, and again in 1885, but no definite agreement was reached. In 1887, Lord Salisbury opened negotiations again which led this time to the convention signed at Constantinople, October 29, 1888, between Great Britain, Germany, Austria-Hungary, France, Italy, Russia, Spain, Turkey and the Netherlands. This convention establishes the neutralization of the canal in peace and in war. It is to be open at all times to all ships, whether merchantmen or vessels of war, whether belligerent or neutral; but no hostile act is to be committed in the canal or within three miles of either end.[44]

It is true that this convention has not yet stood

[44] British and Foreign State Papers, 1889 (Egypt).

the test of war, but there is no reason to suppose that the neutralization of the Suez canal will not prove as effective as that of Switzerland or Belgium, which has stood the test of more than two generations and the strain of the Franco-Prussian war.

In the case of the Suez canal, neutralization was effected through the initiative of the country which exercised practically both the political and financial control of the canal. In 1875 Great Britain had purchased from the Khedive of Egypt all his shares in the canal, and thus acquired financial control, and in the intervention in 1882 she had assumed political control of Egypt.

England stands in relation to the Suez canal in very much the same position that the United States would stand in relation to a Central American canal. Yet England, possessing the most formidable naval force in the world, voluntarily surrendered whatever advantages were to be derived from the exclusive military use of the canal in order to place it under international control and to secure its permanent neutralization.

The Central American canal will ultimately be of greater importance to the commerce of the world than the Suez. Even if it should be constructed under the exclusive control of the United States, the first war in which it should happen to be used to the sole military advantage of any one power would lead to a demand for its neutralization on the part of the other powers concerned. The development of international law of late has been in the direction of promoting and safeguarding the common interests of the whole family of nations in the face of national greed and aggression.

Why not recognize this tendency and secure the neutralization and inviolability of the canal in the beginning by international agreement? This has been our policy from the beginning with the exception of the correspondence opened by Mr. Blaine in 1881, and to this policy we are already pledged in the most solemn manner by the Clayton-Bulwer treaty.[45]

[45] While these pages were in press, a new agreement between Great Britain and the United States was signed by Secretary Hay and Lord Pauncefote. This guarantees the neutrality of any canal across the isthmus, but at the present writing the document awaits the confirmation of the Senate.

CHAPTER V.

French Intervention in Mexico.

The attempt of Louis Napoleon to establish a European monarchy in Mexico under the tutelage of France was the most serious menace that republican institutions in the new world have had to face since the schemes of the Holy Alliance were checked by Monroe and Canning. The thwarting of that attempt may be accounted one of the greatest triumphs of American diplomacy. The internal disorders common to South and Central American republics have always been a fruitful source of embarrassment to the United States, on account of the liability to European intervention to which these governments continually subject themselves in such periods by their open and flagrant disregard of international obligations. Of no country is this statement truer than of Mexico, where the well-nigh interminable strife of parties gave rise between the years 1821 and 1857 to thirty-six different governments. In 1857 a favorable change occurred in the affairs of the republic. A constituent congress, elected by the people of the different states, framed and adopted a republican constitution which promised better things for the future. Under the provisions of this constitution an election was held in July (1857) and General Comonfort chosen president almost without opposition. His term of office was to begin December 1, 1857, and

to continue four years. Within one brief month, however, President Comonfort was driven from the capital, and ultimately from the country, by an uprising headed by General Zuloaga. As soon as Comonfort abandoned the presidency, General Benito Juarez, the president of the Supreme Court of Justice, became according to the constitution, the president *de jure* of the republic for the remainder of the unexpired term, that is, until December 1, 1861. General Zuloaga had, however, assumed the name of president, with indefinite powers, and the entire diplomatic corps, including the minister of the United States, had recognized his government. But Zuloaga was speedily expelled, and the supreme power seized by General Miramon, the head of the church party, whom the diplomatic corps likewise recognized. Meanwhile Juarez, the constitutional president, had proceeded to Vera Cruz, where he put his administration into successful operation.

For several months, Mr. John Forsyth, the American minister, continued at the city of Mexico in the discharge of his duties. In June, 1858, however, he suspended his diplomatic connection with the Miramon government. Our relations, which had been bad under former governments, were now rendered almost intolerable under that of Miramon by outrages towards American citizens and personal indignities to Mr. Forsyth himself. His action was approved by President Buchanan, and he was directed to return to the United States. All diplomatic intercourse was thus terminated with the government of Miramon, but as yet none was established with the Juarez government. The ultimate success of the latter became,

however, so probable that the following year the President sent a confidential agent to Mexico to inquire into and report upon the actual condition of the belligerents, and in consequence of his report, Mr. Robert M. McLane was dispatched to Mexico, March 8, 1859, "with discretionary authority to recognize the government of President Juarez, if on his arrival in Mexico he should find it entitled to such recognition according to the established practice of the United States." On the 7th of April, Mr. McLane presented his credentials to President Juarez, having no hesitation, he said, "in pronouncing the government of Juarez to be the only existing government of the republic." He was cordially received by the authorities at Vera Cruz, and during all the vicissitudes of the next eight years the United States government continued to extend its sympathy and moral support to the government of Juarez as the only one entitled to the allegiance of the people of Mexico.

Juarez thus came forward, in the role of reformer, as the champion of constitutionalism and the supremacy of the state against the overreaching power, influence and wealth of the church party. He was a full-blooded Indian, without the slightest admixture of Spanish blood. In December, 1860, he finally succeeded in overthrowing the party of Miramon and driving the latter into exile. Immediately, on reoccupying the city of Mexico, the Constitutionalists proceeded to execute with severity the decree issued at Vera Cruz nationalizing or sequestrating the property of the church.

The most difficult question which the new government had to face was that of international obligations

recklessly contracted by the various revolutionary leaders who had successively been recognized as constituting the government of Mexico. In consequence of debts contracted and outrages and enormities perpetrated, for the most part during the régime of Miramon and the church party, the governments of England, France and Spain determined to intervene in Mexico.

The grievances of the British government were based on the following facts: non-settlement of claims of British bondholders; the murder of the British vice-consul at Tasco; the breaking into the British legation and carrying off £152,000 sterling in bonds belonging to British subjects, besides numerous other outrages committed on the persons and property of individuals.[1]

The claims of the British bondholders referred to had been recognized by the Packenham convention of October 15, 1842, and formed into a consolidated fund of $250,000, which was to be paid off, principal and interest, by a percentage on import duties at the custom-houses of Vera Cruz and Tampico. This convention was not carried out by the Mexican government, and on December 4, 1851, Mr. Doyle signed on behalf of Great Britain a new convention, in which not only the claims under the Packenham convention, but others, recognized by both governments, were likewise formed into a consolidated fund, on which the Mexican government bound itself to pay five per cent. as a sinking fund and three per cent. as interest

[1] British and Foreign State Papers, 1861-62, Vol. LII. Also House Exec. Doc. No. 100, Thirty-seventh Cong., Second Sess.

until the debt should be paid off. This five and three per cent. were to be met by a percentage of customs receipts. In 1857 the sinking fund was to be raised to six per cent. and the interest to four per cent.

Two days after the signing of this Doyle convention the Spanish minister in Mexico also signed a convention on behalf of some Philippine missionaries, known as the "Padre Moran" convention, on almost the same basis as the British. The consolidated fund in this case was $983,000, the sinking fund five per cent., and the interest three per cent.

The interest was paid on both funds in almost the whole amount, but the sinking fund was not kept up. Succeeding agreements were made in 1858, in 1859, and in 1860, by which the custom-house assignments to satisfy both conventions (British and Spanish) were raised from twelve per cent. in 1851, to twenty-nine per cent. in 1860.[2]

It will thus be seen that the British and Spanish claims were perfectly legitimate. The French claims, however, were of a somewhat different character. During Miramon's administration arrangements were made through the agency of Jecker, a Swiss banker, by which $750,000 were to be raised through an issue of $15,000,000 of bonds. These bonds fell into the hands of Jecker's French creditors and were pressed by the French government, which thus demanded the repayment of twenty times the original sum advanced. A claim was made also for $12,000,000 for torts on French subjects.[3]

When the Liberal party came into power again in

[2] Brit. and For. St. Pap., Vol. LII, p. 359.
[3] Wharton's Digest, Sec. 58, Vol. I, p. 312.

1860, they were unable to meet the situation and showed a disposition to question the obligatory force of engagements entered into by their various revolutionary predecessors. The British government had undertaken to provide against this contingency upon the occasion of extending recognition to the Juarez administration. Under date of March 30, 1861, Lord John Russell wrote to Sir Charles Wyke, recently appointed minister to Mexico, as follows:

"The instructions addressed to Mr. Mathew, both before and since the final triumph of the Liberal party, made the recognition by Great Britain of the constitutional government contingent upon the acknowledgment by that government of the liability of Mexico for the claims of British subjects who, either in their persons or in their property, for a long series of years, can be proved to have suffered wrong at the hands of successive governments in Mexico."[4]

And further on in the same communication the attitude of the British government is expressed yet more strongly:

"Her majesty's government will not admit as an excuse for hesitation in this respect the plea that the robbery was committed by the late government. For, as regards this, as indeed all other claims, her majesty's government cannot admit that the party who committed the wrong is alone responsible. Great Britain does not recognize any party as constituting the republic in its dealings with foreign nations, but holds the entire republic, by whatever party the government of it may from time to time be administered, to be responsible for wrongs done to British subjects

[4] Brit. and For. St. Pap., Vol. LII, p. 237.

by any party or persons at any time administering the powers of government."

Mexico, however, was slow to admit this principle of international law. In a letter to Lord John Russell, June 25, 1861, and in other communications, Sir Charles Wyke urged the necessity of a naval demonstration against Mexico. His plan was to take possession of the custom-houses of Vera Cruz, Tampico and Matamoras on the Atlantic, and of one or two on the Pacific, lower the duties so as to attract the great bulk of trade from other ports, and pay themselves by the percentage to which they were entitled by treaty stipulation.

On the 17th of July, 1861, President Juarez brought matters to a crisis by the publication of a decree, the first article of which declared that "all payments are suspended for two years, including the assignments for the loan made in London and for the foreign conventions." [5]

On the 23rd, Sir Charles Wyke, the British minister, demanded the repeal of this law within forty-eight hours. On the 24th, the French minister demanded its repeal within twenty-four hours. These demands were not complied with and diplomatic relations were immediately broken off by the British and French representatives.

The Spanish government had acted somewhat in advance of the other governments and was already preparing to back its claims by an armed expedition against Mexico. The rupture with the British and French governments very naturally pointed to joint action with Spain as the best means of securing their

[5] Brit. and For. St. Pap., Vol. LII, p. 294.

interests. The United States government, which had just entered upon one of the greatest struggles of modern times and had its hands practically tied as far as Mexico was concerned, regarded the contemplated intervention of European powers in Mexico with grave apprehension, not to say suspicion. So great was the uneasiness occasioned in the United States by the measures in contemplation and so strong was the desire to ward off the threatened danger to republican institutions on this continent, that Mr. Seward authorized (September 2, 1861) the negotiation of a treaty with Mexico for the assumption by the United States of the payment of the interest, at three per cent., upon the funded debt of Mexico (the principal of which was about $62,000,000) for the term of five years from the date of the decree of the Mexican government suspending such payment, " provided that the government of Mexico will pledge to the United States its faith for the reimbursement of the money so to be paid, with six per cent. interest thereon, to be secured by a specific lien upon all the public lands and mineral rights in the several Mexican states of Lower California, Chihuahua, Sonora, and Sinaloa, the property so pledged to become absolute in the United States at the expiration of the term of six years from the time when the treaty shall go into effect, if such reimbursement shall not have been made before that time." [6] All this, of course, was subject to the confirmation of the Senate.

This step was communicated informally to the British and French governments, and the validity of

[6] Mr. Seward to Mr. Corwin, Sept. 2, 1861. House Exec. Doc. No. 100, p. 22, Thirty-seventh Cong., Second Sess.

the convention was to be conditioned upon those governments engaging not to take any measures against Mexico to enforce the payment of the interest of the loan until time should have been given to submit the convention to the ratification of the United States Senate at its approaching session. It was also to be a condition that, if the convention should be ratified, Great Britain and France should engage not to make any demand upon Mexico for the interest, except upon its failing to be punctually paid by the United States.[7]

Grave objections to Mr. Seward's plan of paying the interest on the Mexican debt were entertained both in Paris and in London. The French minister of state, M. Thouvenel, said to the British minister at Paris:

"It might not be possible to prevent the United States offering money to Mexico, or to prevent Mexico receiving money from the United States, but neither England nor France ought in any way to recognize the transaction."[8] Lord Lyons declared to Mr. Seward "That her majesty's government were as apprehensive as Mr. Seward himself could be, of an attempt to build upon a foundation of debts due, and injuries inflicted, by Mexico, a pretension to establish a new government in that country. Her majesty's government thought, however, that the most effectual mode of guarding against this danger would be for Great Britain, the United States and France to join Spain in a course of action, the objects

[7] Brit. and For. St. Pap., Vol. LII, p. 325.

[8] Earl Cowley to Earl Russell, Sept. 24, 1861. Brit. and For. St. Pap., Vol. LII, p. 329.

and limits of which should be distinctly defined beforehand. This certainly appeared more prudent than to allow Spain to act alone now, and afterwards to oppose the results of her operations, if she should go too far." [9]

The British government avoided beforehand the necessity of a point-blank refusal of the plan of Mr. Seward, in case the treaty should go through, by declaring that the interest on the funded debt was not the only cause of complaint, but that there remained over and above that the outrages perpetrated upon British subjects still unredressed.

Mr. Charles Francis Adams, the United States minister to England, did not approve the plan of guaranteeing the Mexican interest, and in his dispatch to Mr. Seward of November 1, 1861, he expressed his opinion rather more frankly than is usual for a minister to do in discussing an instruction from the state department. "You will permit me here, however, to make a single remark in this connection upon the importance of appearing to divest the United States of any personal and selfish interest in the action it may think proper to adopt. The view customarily taken in Europe is that their government is disposed to resist all foreign intervention in Mexico, not upon any principle, but simply because it is itself expecting, in due course of time, to absorb the whole country for its own benefit. Hence any proposal like that which I had the honor to receive, based upon the mortgage of portions of Mexican territory as security for engagements entered into by the United States,

[9] Earl Lyons to Earl Russell, Oct. 14, 1861. Brit. and For. St. Pap., Vol. LII, p. 375.

naturally becomes the ground of an outcry that this is but the preliminary to an entry for inevitable foreclosure. And then follows the argument that if this process be legitimate in one case, why not equally in all. As against Great Britain and France, it would be difficult to oppose to this the abstract principle contained in what has been denominated the Monroe Doctrine, however just in substance." [10]

While Mr. Corwin was still in negotiation with the Mexican government in reference to some method of releasing Mexico from her complications with the allied governments of Europe, the United States Senate, in reply to two several messages of the President, passed a resolution, February 25, 1862, declaring the opinion "that it is not advisable to negotiate a treaty that will require the United States to assume any portion of the principle or interest of the debt of Mexico, or that will require the concurrence of European powers." This effectually put an end to Mr. Seward's plan.

Meanwhile Sir Charles Wyke had reopened negotiations with the Mexican government and negotiated a treaty which might have satisfied British claims, but the treaty was thrown out by the Mexican congress by a large majority, and also disapproved by the British government in view of an agreement entered into with France and Spain unknown to Sir Charles Wyke.[11]

The agreement referred to was the convention signed at London, October 31, 1861, between Spain,

[10] Thirty-seventh Cong., Second Sess., House Exec. Doc. No. 100, p. 201.

[11] Sir C. Wyke to Earl Russell, Nov. 25, 1861. Brit. and For. St. Pap., Vol. LII, p. 398.

France and Great Britain, in reference to the situation of affairs in Mexico and looking to armed intervention for the purpose of securing their rights. The preamble of the convention recites that the three contracting parties "being placed by the arbitrary and vexatious conduct of the authorities of the republic of Mexico under the necessity of exacting from those authorities a more efficient protection for the persons and property of their subjects, as well as the performance of the obligations contracted toward them by the republic of Mexico, have arranged to conclude a convention between each other for the purpose of combining their common action." The most important article of the convention in view of its subsequent violation by the Emperor Napoleon, was the second, which declared that:

"The high contracting parties bind themselves not to seek for themselves, in the employment of coercive measures foreseen by the present convention, any acquisition of territory, or any peculiar advantage, and not to exercise in the subsequent affairs of Mexico any influence of a character to impair the right of the Mexican nation to choose and freely to constitute the form of its own government." The fourth article, recognizing that the United States also had claims against Mexico, provided "that immediately after the signing of the present convention, a copy of it shall be communicated to the government of the United States, that that government shall be invited to accede to it. . . . But, as the high contracting parties would expose themselves, in making any delay in carrying into effect articles one and two of the present convention, to fail in the end which they

wish to attain, they have agreed not to defer, with a view of obtaining the accession of the government of the United States, the commencement of the above-mentioned operations beyond the period at which their combined forces may be united in the vicinity of Vera Cruz." [12]

The advisability of inviting the cooperation of the United States had been the subject of considerable discussion and difference of opinion among the three European governments. England and France had urged the cooperation of the United States, while Spain had opposed it.

In compliance with the fourth article the convention was submitted to the government of the United States by a note dated November 30, 1861, signed jointly by the representatives of Spain, France and Great Britain at Washington.

Mr. Seward's reply conveying the declination of the United States to the invitation to cooperate with the three allied European powers in the demonstration against Mexico was dated December 4, 1861. After reviewing the substance of the convention, he said:

"First. As the undersigned has heretofore had the honor to inform each of the plenipotentiaries now addressed, the President does not feel himself at liberty to question, and he does not question, that the sovereigns represented have undoubted right to decide for themselves the fact whether they have sustained grievances, and to resort to war against Mexico for the redress thereof, and have a right also to levy the war severally or jointly."

[12] Thirty-seventh Cong., Second Sess., House Exec. Doc. No. 100, pp. 186-7.

In the second place, Mr. Seward expressed the satisfaction of his government that the allied powers had clearly repudiated in the convention all idea of carrying on the war for their own ambitious ends and all intention of exercising in the subsequent affairs of Mexico any influence of a character to impair the right of the Mexican people to choose and freely to constitute the form of their own government. "It is true, as the high contracting parties assume, that the United States have, on their part, claims to urge against Mexico. Upon due consideration, however, the President is of opinion that it would be inexpedient to seek satisfaction of their claims at this time through an act of accession to the convention. Among the reasons for this decision which the undersigned is authorized to assign, are, first, that the United States, so far as it is practicable, prefer to adhere to a traditional policy recommended to them by the father of their country and confirmed by a happy experience, which forbids them from making alliances with foreign nations; second, Mexico being a neighbor of the United States on this continent, and possessing a system of government similar to our own in many of its important features, the United States habitually cherish a decided good-will towards that republic, and a lively interest in its security, prosperity and welfare. Animated by these sentiments, the United States do not feel inclined to resort to forcible remedies for their claims at the present moment, when the government of Mexico is deeply disturbed by factions within, and exposed to war with foreign nations. And of course, the same sentiments render them still more disinclined to allied war

against Mexico, than to war to be waged against her by themselves alone." In conclusion, Mr. Seward referred to the fact that the United States government had authorized their representative in Mexico to enter into a treaty conceding to the Mexican government material aid, which might, he hoped, enable that government to satisfy the just claims and demands of the allied sovereigns and so to avert the war which they have agreed among each other to levy against Mexico.[18]

As already related, the efforts of the executive in this direction were not approved by the Senate and the negotiations in regard to guaranteeing the interest on the Mexican loan were broken off. The treaty negotiated by Mr. Corwin was in fact never submitted to the Senate, for by the time it was ready the French forces occupied a part of Mexican territory, and it was feared that a loan to Mexico under such conditions would be considered a breach of neutrality.

In pursuance of the London convention, Vera Cruz was occupied in the early part of 1862 by a Spanish force of 6000 men under command of Marshal Prim: a French force of 2500, which was largely reinforced soon afterwards; and a force of 700 British marines.

The first intimation of the real purposes of the Emperor Louis Napoleon was given in the letter of instructions of M. Thouvenel to the admiral commanding the French expedition to Mexico, dated November 11, 1861. He says that in case of the withdrawal

[18] House Exec. Doc. No. 100, pp. 187-190, Thirty-seventh Cong., Second Sess. Brit. and For. St. Pap., Vol. LII, p. 394.

of the Mexican forces from the coast into the interior of the country, an advance upon the capital might become necessary. He reminds the admiral of the self-abnegatory character of the second article of the convention, but continues:

"There are, however, certain hypotheses which present themselves to our foresight and which it was our duty to examine. It might happen that the pressure of the allied forces upon the soil of Mexico might induce the sane portion of the people, tired of anarchy, anxious for order and repose, to attempt an effort to constitute in the country a government presenting the guarantees of strength and stability which have been wanting to all those which have succeeded each other since the emancipation." To such efforts the admiral was expressly told that he was not to refuse his encouragement.[14]

In view of this order, the British government at once instructed its agent, Sir Charles Wyke, that, while there was nothing to be said against the reasoning of the French government in reference to the probable necessity of marching against the city of Mexico, he was to decline to take part in the advance into the interior, and that the fact, that the whole available British force was only 700 marines, would be sufficient reason for declining.[15]

The seriousness of the situation was fully appreciated by the United States government. Shortly after the occupation of Vera Cruz by the Spanish forces and the announcement of the outfit of a French

[14] House Exec. Doc. No. 100, p. 174, Thirty-seventh Cong., Second Sess.

[15] Brit. and For. St. Pap., Vol. LII, p. 381.

force to follow up the advantage, Mr. Charles Francis Adams wrote to his government from London: "It is no longer concealed that the intention is to advance to the capital, and to establish a firm government, *with the consent of the people*, at that place. But who are meant by that term does not appear. This issue is by no means palatable to the government here, though it is difficult to imagine that they could have been blind to it. Feeble murmurs of discontent are heard, but they will scarcely be likely to count for much in the face of the obligation under which the action of the emperor in the Trent case has placed them. The military occupation will go on, and will not cease with the limits now assigned to it. It is difficult to understand the nature of the fulcrum thus obtained for operations in a new and a different quarter, should the occasion be made to use it. The expedition to the city of Mexico may not stop until it shows itself in the heart of the Louisiana purchase." [16]

About this time reports began to be circulated that the Archduke Ferdinand Maximilian of Austria would be invited by a large body of Mexicans to place himself on the throne of Mexico, and that the Mexican people would gladly hail such a change. To whatever extent such reports might be credited, the United States could not call into question the good faith of the parties to the London convention. The British government, as the issue showed, acted with perfect sincerity in the matter; and the Spanish government, whatever may have been its original intentions, fol-

[16] Adams to Seward, January 24, 1862. House Ex. Doc. No. 100, p. 206, Thirty-seventh Cong., Second Sess.

lowed the lead of Great Britain. When the reports in regard to Maximilian were first circulated, the British government declared to its agent, Sir Charles Wyke, that: "If the Mexican people, by a spontaneous movement, place the Austrian Archduke on the throne of Mexico, there is nothing in the convention to prevent it. On the other hand, we could be no parties to a forcible intervention for this purpose. The Mexicans must consult their own interests." [17]

At the time, however, the attitude of the British government was not at all understood. Mr. Adams wrote: "Great Britain occupies the post of holding the door, whilst her two associates, with her knowledge, go in, fully prepared, if they can, to perpetrate the act which she, at the outset, made them denounce, at the same time that she disavowed every idea of being made to participate in it." [18]

In the face of armed invasion, the Mexican government assumed a more reasonable attitude, and on the 19th day of February, 1862, the plenipotentiaries of Spain, Great Britain and France signed, at Soledad, with the secretary of state of the Mexican government a preliminary agreement or convention, in which they recognized the constitutional government as then organized. Declaring that they had "no designs against the independence, sovereignty and integrity of the Mexican republic," they agreed to open negotiations for the settlement of all the demands which they had to make at Orizaba. During the negotiations the forces of the allies were to be allowed to leave the

[17] Brit. and For. St. Pap., Vol. LII, p. 418.

[18] H. Ex. Doc. No. 100, p. 209, Thirty-seventh Cong., Second Session.

unhealthy locality of Vera Cruz and occupy the three towns of Cordova, Orizaba and Tehuacan, with their natural approaches. In the event of negotiations being broken off, the allies agreed to abandon the towns above named before reopening hostilities.[19]

The convention of Soledad proved, however, of short duration. On the ninth of April, 1862, the representatives of the allies announced in a formal note to the Mexican government, "that not having been able to agree about the interpretation which ought to be given in the present circumstances to the convention of the 31st of October, 1861 (the convention of London), they have resolved to adopt for the future an entirely separate and independent line of action. In consequence, the commander of the Spanish forces will immediately take the necessary measures to reimbark his troops. The French army will concentrate in Paso Aucho as soon as the Spanish troops have passed from this position, that is to say, probably about the 20th of April, thereupon beginning their operations." [20] According to instructions already alluded to, the British force, which was limited to 700 marines, had declined to advance into the interior, and hence was not present when the breach occurred.

In spite of all appearances to the contrary, the French government still persisted in disavowing to the United States government, in the most emphatic terms, all designs upon the independence of the Mexican republic. Even after the rupture at Orizaba,

[19] H. Ex. Doc. No. 54, p. 46, Thirty-seventh Cong., Third Sess.

[20] H. Ex. Doc. No. 54, p. 48, Thirty-seventh Cong., Third Sess.

M. Thouvenel assured Mr. Dayton, the United States minister at Paris, that all that France wanted was that there should be a stable government in Mexico, not an anarchy with which other nations could have no relations. "That if the people of that country chose to establish a republic it was all well; France would make no objection. If they chose to establish a monarchy, as that was the form of government here, it would be charming (charmant), but they did not mean to do anything to induce such a course of action. That all the rumors that France intended to establish the Archduke Maximilian on the throne of Mexico were utterly without foundation."[21] M. Thouvenel's disclaimer to the British government was equally emphatic.[22]

To return to the situation of affairs at Orizaba, the disagreement between the allies requires some explanation. The immediate cause of the rupture and of the withdrawal from the convention of London was the protection extended by the French agents to General Almonte, Padre Miranda, and other leading men of the reactionary or church party who had been banished from the country and who now from the French camp maintained an active correspondence with Marquez, Cobos, and other notorious chiefs of the armed bands then in open rebellion against the constituted government of the country. Almonte and his associates openly favored the scheme of placing Maximilian on the throne.

The Mexican government demanded the removal of

[21] Dayton to Seward, April 22, 1862.

[22] Earl Cowley to Earl Russell, May 15, 1862, H. Ex. Doc. No. 54, p. 746, Thirty-seventh Cong., Third Sess.

General Almonte and his associates from the camp of the allies, and in this demand the British and Spanish representatives concurred. A somewhat stormy conference was held between the commissioners of the allied powers at Orizaba, April 2, 1862, at which the French agents virtually said that they did not regard the convention of London or the preliminaries of Soledad as binding upon them. Specifically then the two causes of the rupture were (1) the persistency of the French commissioners in opposing the removal of the Mexican exiles, and (2) their refusal to take part in the conferences which had been arranged by the convention of Soledad to be held with the Juarez government at Orizaba, April 15, 1862. The British government heartily approvel of the action of its agent, Sir Charles Wyke, in breaking up the conference and putting an end to the joint action of the three powers.[23] The policy of Spain coincided with that of England.

The French government was not satisfied with the convention of Soledad, but did not dispute its validity, and declared that if the negotiations should be broken off, its provisions in regard to the withdrawal of the troops from their vantage ground must be observed. The French government further assumed that, when negotiations with the Mexican government should be broken off, the allied forces would proceed to act jointly under the convention of London.[24] The British and Spanish governments, however, having become convinced of the duplicity of the French government

[23] Earl Russell to Sir C. Wyke, May 22, 1862.

[24] Earl Cowley to Earl Russell, April 25, 1862, H. Ex. Doc. No. 54, p. 694, Thirty-seventh Cong., Third Sess.

in the matter, terminated the London convention without further discussion and ordered the withdrawal of their forces and agents from Mexican territory.

The government of Louis Napoleon, thus left to its own devices by the withdrawal of Great Britain and Spain, and by the helpless condition, for the time being, to which the war of secession had reduced the government of the United States, greatly reinforced its Mexican expedition and placed General Forey in command. Soon after the withdrawal of the British and Spanish contingents, General Almonte instituted a government in the territory occupied by the French and assumed the title of "Supreme Chief of the Nation," but it soon became evident, as Mr. Dayton expressed it, that instead of the emperor having availed himself of the services of General Almonte, Almonte had availed himself of the services of the emperor. Accordingly, shortly after General Forey assumed command, he issued an order dissolving the ministry of Almonte, depriving him of his title and limiting him thereafter "in the most exact manner to the instructions of the emperor, which are to proceed as far as possible, with other Mexican generals placed under the protection of our flag, to the organization of the Mexican army."

The misfortunes which had overtaken Mexico and the dangers that threatened the permanence of her republican institutions, had now thoroughly alarmed her sister republics of Central and South America, and a correspondence began between them relative to organizing an international American conference to oppose European aggression.

During the remarkable series of events that took

place in Mexico in the spring of 1862, Mr. Seward consistently held to the opinion well expressed in a dispatch to Mr. Dayton, June 21, 1862:

"France has a right to make war against Mexico, and to determine for herself the cause. We have a right and interest to insist that France shall not improve the war she makes to raise up in Mexico an anti-republican and anti-American government, or to maintain such a government there. France has disclaimed such designs, and we, besides reposing faith in the assurances given in a frank, honorable manner, would, in any case, be bound to wait for, and not anticipate, a violation of them." [25]

For some months the French troops gradually extended their military operations and occupied a greater extent of territory without, however, any material change in the situation. The Juarez government still held the capital. In the spring of 1863, however, military operations were pushed forward with greater activity, and in June, General Forey organized a junta of government composed of thirty-five Mexican citizens designated by decree of the French emperor's minister. The members of this supreme junta were to associate with them two hundred and fifteen citizens of Mexico to form an assembly of two hundred and forty-five notables. This assembly was to occupy itself with the form of the permanent government of Mexico. The junta appointed an executive body of three, of whom General Almonte was the head.

On the 10th of July, 1863, the capital of Mexico was occupied by the French army, and on the following day the Assembly of Notables declared:

[25] H. Ex. Doc. No. 54, p. 530, Thirty-seventh Cong., Third Sess.

" 1. The Mexican nation adopts as its form of government a limited hereditary monarchy, with a Catholic prince.

2. The sovereign shall take the title of Emperor of Mexico.

3. The imperial crown of Mexico is offered to his imperial and royal highness the Prince Ferdinand Maximilian, Archduke of Austria, for himself and his descendants.

4. If, under circumstances which cannot be foreseen, the Archduke of Austria, Ferdinand Maximilian, should not take possession of the throne which is offered to him, the Mexican nation relies on the good will of his majesty, Napoleon III, Emperor of the French, to indicate for it another Catholic prince." [26]

The crown of Mexico was formally offered to Maximilian by a deputation of Mexicans headed by Señor Estrada, October 3, 1863; but Maximilian replied that he could not accept the proffered throne until the whole nation should " confirm by a free manifestation of its will the wishes of the capital." This was a wise decision, had it been given in good faith and had it been wisely adhered to, but the sequel shows that the archduke was either not sincere in his protestations or else was woefully deceived by representations subsequently made to him. Six months later he accepted the crown without the question having been submitted to the wishes of any but a very small portion of the Mexican people.

In spite of the declaration of the Mexican Assembly, which showed so unmistakably the hand of Napoleon,

[26] Sen. Ex. Doc No. 11, pp. 254-268, Thirty-eighth Cong., First Sess.

the French government continued to repudiate the designs imputed to it against the independence of Mexico, and Mr. Seward continued to express, officially at least, the satisfaction of the American government at the explanations vouchsafed by France. September 11, 1863, he stated the case as follows:

"When France made war against Mexico, we asked of France explanations of her objects and purposes. She answered, that it was a war for the redress of grievances; that she did not intend to permanently occupy or dominate in Mexico, and that she should leave to the people of Mexico a free choice of institutions of government. Under these circumstances the United States adopted, and they have since maintained entire neutrality between the belligerents, in harmony with the traditional policy in regard to foreign wars. The war has continued longer than was anticipated. At different stages of it France has, in her intercourse with us, renewed the explanations before mentioned. The French army has now captured Pueblo and the capital, while the Mexican government, with its principal forces, is understood to have retired to San Luis Potosi, and a provisional government has been instituted under French auspices in the city of Mexico, which being supported by arms, divides the actual dominion of the country with the Mexican government, also maintained by armed power. That provisional government has neither made nor sought to make any communication to the government of the United States, nor has it been in any way recognized by this government. France has made no communication to the United States concerning the provisional government which has been established in Mexico,

nor has she announced any actual or intended departure from the policy in regard to that country which her before-mentioned explanations have authorized us to expect her to pursue." [27]

The probable acceptance of the crown by Maximilian was, however, the subject of frequent communications between the governments of France and the United States. In the course of a somewhat familiar conversation with M. Drouyn de Lhuys, the French Minister of State, in August, 1863, Mr. Dayton expressed the fear that in quitting Mexico France might leave a *puppet* behind her. De Lhuys replied: "No; the strings would be too long to work."

The chances of Maximilian's success in Mexico had been from the first deliberately calculated on the basis of the probable success of the Southern Confederacy; and, therefore, the cause of the Juarez government and the cause of the Union were considered the same. The active sympathy of the Unionists with the Mexican republic made it difficult for the administration to maintain neutrality. This difficulty was further enhanced by the doubt entertained in the United States as to the intentions of France. In this connection Mr. Seward wrote to Mr. Dayton, September 21, 1863:

"The President thinks it desirable that you should seek an opportunity to mention these facts to Mr. Drouyn de Lhuys, and to suggest to him that the interests of the United States, and, as it seems to us, the interests of France herself, require that a solution of the present complications in Mexico be made, as

[27] Seward to Motley, Sept. 11, 1863, Dipl. Corr., 1863; Sen. Ex. Doc. No. 11, p. 479, Thirty-eighth Cong., First Sess.

early as may be convenient, upon the basis of the unity and independence of Mexico." [28]

In reply, the French minister declared that the question of the establishment of Maximilian on the Mexican throne was to be decided by a majority vote of the entire nation; that the dangers of the government of the archduke would come principally from the United States, and the sooner the United States showed itself satisfied, and manifested a willingness to enter into peaceful relations with that government, the sooner would France be ready to leave Mexico and the new government to take care of itself, which France would, in any event, do as soon as she with propriety could; but that she would not lead or tempt the archduke into difficulty, and then desert him before his government was settled. He said that the early acknowledgment of that government by the United States would tend to shorten, or perhaps to end, all the troublesome complications of France in that country; that they would thereupon quit Mexico.[29]

To this communication, Mr. Seward replied that the French government had not been left uninformed of the opinion of the United States that the permanent establishment of a foreign and monarchical government in Mexico would be found neither easy nor desirable; that the United States could not anticipate the action of the Mexican people; and that the United States still regarded Mexico as the scene of a war which had not yet ended in the subversion of the

[28] Sen. Ex. Doc. No. 11, p. 464, Thirty-eighth Cong., First Sess.

[29] Dayton to Seward, Oct. 9, 1863, Sen. Ex. Doc. No. 11, p. 471, Thirty-eighth Cong., First Sess.

government long existing there, with which the United States remained in the relation of peace and friendship.[30]

Before formally accepting the crown, the archduke visited England with a view to securing a promise of recognition for his new position. He was, of course, to pass through Paris, and in view of his approaching visit, Mr. Dayton asked for instructions as to his conduct on the occasion. Mr. Seward replied, February 27, 1864: "I have taken the President's direction upon the question. If the Archduke Maximilian appears in Paris only in his character as an imperial prince of the house of Hapsburg, you will be expected to be neither demonstrative nor reserved in your deportment towards him. If he appears there with any assumption of political authority or title in Mexico, you will entirely refrain from intercourse with him. Should your proceeding be a subject of inquiry or remark, you will be at liberty, in the exercise of your own discretion, to say that this government, in view of its rights and duties in the present conjuncture of its affairs, has prescribed fixed rules to be observed, not only by this department, but by its representatives in foreign countries. We acknowledge revolutions only by direction of the President, upon full and mature consideration." [31]

The archduke visited London in company with his father-in-law, Leopold of Belgium. The British government declined to act on the subject at that juncture, "but gave them reason to hope that, so soon as the

[30] Seward to Dayton, Oct 23, 1863, Sen. Ex. Doc. No. 11, p. 471, Thirty-eighth Cong., First Sess.
[31] Dip. Corr., 1864.

action in Mexico would appear to justify it, they would acknowledge him." [32] Spain and Belgium were ready to follow in the wake of France.

About the time of this visit of Maximilian to England, Mr. McDougall, of California, introduced in the Senate a resolution declaring "that the movements of the government of France, and the threatened movement of an emperor, improvised by the Emperor of France, demand by this republic, if insisted upon, war." This resolution was not carried, but some days later, on the 4th of April, 1864, the House of Representatives passed by a unanimous vote a resolution declaring its opposition to the recognition of a monarchy in Mexico. Mr. Seward, fearing a rupture with France on this account, took pains to inform the government of that country, through Mr. Dayton, that this action of the House was in no way binding on the executive, even if concurred in by the Senate.

The formal acceptance of the crown of Mexico by Maximilian took place April 10, 1864, at Miramar, the palace he had built near Trieste, in the presence of the Mexican deputation. The next day the Emperor and Empress of Mexico, as they styled themselves, set out for their new dominions by way of Rome, where they received the blessing of the Pope. Before leaving Europe Maximilian signed with the Emperor of the French a convention in the following terms:

The French troops in Mexico were to be reduced as soon as possible to 25,000 men.

The French troops were to evacuate Mexico in proportion as the Emperor of Mexico could organize troops to replace them.

[32] Adams to Seward, March 24, 1864.

The "foreign legion," composed of 8000 men, was to remain in Mexico six years after all the other French troops should have been recalled.

The expenses of the French expedition to Mexico, to be paid by the Mexican government, were fixed at the sum of two hundred and seventy million francs for the whole duration of the expedition down to July 1, 1864. From July 1st all expenses of the Mexican army were to be met by Mexico.[33]

The resolution of the House referred to above came very near producing the rupture that Mr. Seward was striving to avert, or at least to postpone, during the continuance of the war of secession. When Mr. Dayton visited M. Drouyn de Lhuys just after the resolution reached Europe, the remark which greeted Mr. Dayton when he entered the room was: "Do you bring us peace, or bring us war?" Mr. Dayton replied that he did not think France had a right to think that the United States was about to make war against her on account of anything contained in that resolution; that it embodied nothing more than the principles which the United States had constantly held out to France from the beginning.

The Confederate agents were taking advantage of the resolution to stir up trouble between the United States and France. In fact they had long caused reports to be spread in Europe, and had succeeded in gaining credence for them, to the effect that the United States government was only awaiting the termination of domestic troubles to drive the French from Mexico. The French naturally concluded that if they were to have trouble with the United States,

[33] Dipl. Corr., 1865, Part III, pp. 356-849.

it was safest for them to choose their own time.[34] Napoleon was all the while coquetting with the Confederate government, and holding above Mr. Seward's head a veiled threat of recognition of Confederate independence. The Confederate government quickly caught at the suggestion of an alliance between Maximilian and the South with the power of France to back them. A Confederate agent was actually accredited to the government of Maximilian, but did not reach his destination. Although Napoleon's calculations were based on the overthrow of the Union, and although he had assumed at the outset, with England and Spain, an attitude decidedly unfriendly to the Federal government, nevertheless he was not willing to go the full length of recognizing the Confederacy as an independent power while the issue of the conflict was still in doubt.

In speaking of Slidell's movements in Europe and the encouragement given him in France, Mr. Bigelow wrote to Mr. Seward, February 14, 1865: "I am strongly impressed with the conviction that, but for the Mexican entanglement, the insurgents would receive very little further countenance from the imperial government, and that a reconciliation of the national policies of the two countries on that question would speedily dispose of all other sources of dissatisfaction."

As the war of secession seemed nearing its end, the French papers became uneasy in view of possible intervention in Mexico by the United States on the ground of the Monroe Doctrine. This principle of American diplomacy, which was likened to the sword

[34] Dipl. Corr., 1864; also Sen. Ex. Doc. No. 11, Thirty-eighth Cong., First Sess.

of Damocles suspended over the head of Maximilian, was discussed in all its bearings on the present case by the journals of Europe.[35]

Throughout all this period of turmoil, the United States recognized no authority in Mexico but that of the Juarez government. In April, 1864, the French minister at Washington complained that serious complications with France were likely to arise out of grants of land made by "ex-President Juarez" in Sonora to emigrants from California. The French government regarded these grants as illegal and proposed to send forces there to prevent the parties from taking "illicit possession."

In May, 1864, the French government sought explanations in regard to a club formed in New Orleans, called the "D. M. D.," Defenders of the Monroe Doctrine. Mr. Seward replied that the object of the club, so far as the government had been able to ascertain, was to bring moral influences to bear upon the government of the United States in favor of a maintenance of the Monroe Doctrine, but not to act in violation of the law, or of the well-understood governmental policy of neutrality in the war which existed between France and Mexico. Members of the association did, however, actually start on an expedition to Brownsville, but the steamer was taken possession of by United States officials. During the year 1864 constant complaint was made by the French government of shipments of arms to the Juarez government from California and general violation of neutrality, particularly at Brownsville on the Rio Grande.

Shortly after the surrender of General Lee, several

[35] Dipl. Corr., 1865, Part III, pp. 380-385.

Confederate officers of high position and influence went to Mexico and identified themselves with the government of Maximilian. Dr. Wm. M. Gwin, a former United States Senator from California, organized a plan for colonizing the states of northern Mexico with ex-Confederates. This scheme was the subject of several representations to the French government on the part of Mr. Seward. He reminded them that the sympathies of the American people were already considerably excited in favor of the republic of Mexico; that they were disposed to regard with impatience the continued intervention of France in that country; and that any favor shown to the proceedings of Dr. Gwin by the titular Emperor of Mexico or by the imperial government of France would tend greatly to increase the popular impatience. He further requested an assurance that the pretences of Dr. Gwin and his associates were destitute of any sanction from the Emperor of France.

Among the most prominent Confederates connected with this scheme were Matthew F. Maury, the distinguished geographer and naval officer, who became a naturalized Mexican citizen and was appointed Imperial Commissioner of Immigration and an honorary councillor of state; and General John B. Magruder, who was charged with the supervision of the survey of lands for colonization. It was hoped that the prominence of these men and the high rank they had held under the Confederate government would, in the general uncertainty that prevailed as to the treatment of the South by the victorious Union party, induce many persons to emigrate to Mexico. Maximilian issued a special decree, September 5, 1865, regarding colonization with a view to inducing Southern

planters to emigrate to Mexico with their slaves—the latter to be reduced to a state of *peonage*, regular slavery being prohibited by the laws of the empire.

In July, 1865, Maximilian finally made an effort to secure recognition of his government by the United States. On the 17th of July, the Marquis de Montholon, the French minister at Washington, called at the department of state and informed Mr. Seward that a special agent had arrived at Washington, bearing a letter signed by Maximilian and addressed to the President of the United States, a copy of which the marquis presented to the secretary of state. On the 18th, Mr. Seward delivered back the copy of the letter to the Marquis de Montholon, and said that, as the United States were on friendly relations with the republican government of Mexico, the President declined to receive the letter or to hold any intercourse with the agent who brought it. The French government expressed to its representative at Washington its annoyance and embarrassment at this step, and said that Maximilian should have taken measures to learn the disposition of the United States before sending the agent.[36]

Mr. Tucker, in his book on the Monroe Doctrine, makes the statement that Mr. Bigelow, who succeeded Mr. Dayton as minister to France, announced to the French government that the United States would recognize the empire of Maximilian upon the immediate withdrawal of the French troops from the territory of Mexico, but that this statement, made upon the envoy's own authority, was disavowed by the President. This is hardly a correct version of the

[36] Dipl. Corr., 1865, Part III.

case. It seems that Mr. Bigelow, in the course of a conversation with M. Drouyn de Lhuys, asked him, "in his own name, and without prejudicing the opinion of his government, if he did not think that the recognition of Maximilian by the United States would facilitate and hasten the recall of the French troops." [37]

On the third of October, 1865, Maximilian issued a decree at the city of Mexico, the first article of which said that "All persons belonging to armed bands or corps, not legally authorized, whether they proclaim or not any political principles, and whatever be the number of those who compose the said bands, their organization, character and denomination shall be tried militarily by the courts-martial; and if found guilty even of the only fact of belonging to the band, they shall be condemned to capital punishment, within the twenty-four hours following the sentence." [38]

The United States, through Mr. Bigelow, protested to France against this decree, as repugnant to the sentiments of modern civilization and the instincts of humanity. M. Drouyn de Lhuys replied with a touch of sarcasm: "Why do you not go to President Juarez? We are not the government of Mexico, and you do us too much honor to treat us as such. We had to go to Mexico with an army to secure certain important interests, but we are not responsible for Maximilian or his government. He is accountable to you, as to any other government, if he violated its rights, and you have the same remedies there that we had." [39]

[37] Tucker, p. 104, Dipl. Corr., 1865, Part III.
[38] Sen. Ex. Doc. No. 5, p. 3, Thirty-ninth Cong., First Sess.
[39] Mr. Bigelow to Mr. Seward, Nov. 30, 1865, Sen. Ex. Doc. No. 5, Thirty-ninth Cong., First Sess.

The American government was now relieved from the burden of civil war, and for several months the correspondence of Mr. Seward had been assuming a more decided tone. On September 6, 1865, he reminded the French government that the attention of the country was now no longer occupied by the civil war, and that henceforth both the Congress and the people of the United States might be expected to give a very large share of their attention to questions of foreign policy, chief among which was likely to be that of their relations with France in regard to Mexico.

On November 6 he wrote: "The presence and operations of a French army in Mexico, and its maintenance of an authority there, resting upon force and not the free will of the people of Mexico, is a cause of serious concern to the people of the United States. . . . They still regard the effort to establish permanently a foreign and imperial government in Mexico as disallowable and impracticable. For these reasons they could not now agree to compromise the position they have hitherto assumed. They are not prepared to recognize any political institutions in Mexico which are in opposition to the republican government with which we have so long and so constantly maintained relations of amity and friendship."

Finally, on December 16, 1865, Mr. Seward addressed what was practically an ultimatum to France. He pointed out the likelihood that Congress, then in session, would direct by law the action of the executive on this important subject, and stated that "It has been the President's purpose that France should be respectfully informed upon two points, namely: First, that the United States earnestly desire to con-

tinue and to cultivate sincere friendship with France. Second, that this policy would be brought into imminent jeopardy, unless France could deem it consistent with her interest and honor to desist from the prosecution of armed intervention in Mexico, to overthrow the domestic republican government existing there, and to establish upon its ruins the foreign monarchy which has been attempted to be inaugurated in the capital of that country." He then adds: "It remains now only to make known to M. Drouyn de Lhuys my profound regret that he has thought it his duty to leave the subject, in his conversation with you, in a condition that does not authorize an expectation on our part that a satisfactory adjustment of the case can be effected on any basis that thus far has been discussed."

As late as November 29, 1865, the French government, through the Marquis de Montholon, still insisted on recognition of Maximilian by the United States as the only basis for an arrangement for the recall of the French troops.[40]

The formal reply to Mr. Seward's note of December 16 was received through the Marquis de Montholon, January 29, 1866. M. Drouyn de Lhuys, still insisted that the French expedition had in it nothing hostile to the institutions of the new world, and assuredly still less to those of the United States. He called attention to the fact that the United States had acknowledged the right of France to make war on Mexico, and continued: "On the other part, we admit, as they do, the principle of non-intervention;

[40] Sen. Ex. Doc. No. 6, p. 98, Thirty-ninth Cong., First Sess.

this double postulate includes, as it seems to me, the elements of an agreement." He also contended that the right to make war implied the right to secure the results of war; that they had to demand guarantees, and these guarantees they could not look for from a government whose bad faith they had proven on so many occasions; that they found themselves engaged in the establishment of a regular government, which showed itself disposed to keep its engagements; that the Mexican people had spoken, that the Emperor Maximilian had been called by the will of the country.[41]

Mr. Seward's counter-reply was dated February 12, 1866. He declared that the proceedings in Mexico were regarded in the United States as having been taken without the authority, and prosecuted against the will and opinions of the Mexican people; that the United States had not seen any satisfactory evidence that the people of Mexico had spoken and called into being or accepted the so-called empire, and that the withdrawal of the French troops was deemed necessary to allow such a proceeding to be taken. He added, however, that "France need not for a moment delay her proposed withdrawal of military forces from Mexico, and her putting the principle of non-intervention into full and complete practice in regard to Mexico through any apprehension that the United States will prove unfaithful to the principles and policy in that respect which, on their behalf, it has been my duty to maintain in this now very lengthened correspondence."[42] He concluded with the statement:

[41] House Ex. Doc. No. 93, Thirty-ninth Cong., First Sess.
[42] Dipl. Corr., 1865, Part III; also H. Ex. Doc. No. 93, Thirty-ninth Cong., First Sess.

"We shall be gratified when the Emperor shall give to us . . . definite information of the time when French military operations may be expected to cease in Mexico."

Napoleon finally decided that he could not risk a war with the United States, and in the issue of April 5, 1866, the Moniteur announced that the Emperor had decided that the French troops should evacuate Mexico in three detachments: the first to leave in November, 1866; the second in March, 1867; and the third in November, 1867. In the course of a conversation with Mr. Bigelow the day following M. Drouyn de Lhuys acknowledged that this statement was official.[43]

The decision of the emperor was officially made known to the United States in a note of April 21, 1866. Mr. Seward had very fortunately left a loophole in his dispatch of February 12, in the statement that the United States would continue to pursue its policy of neutrality after the French evacuation. De Lhuys says: "We receive this assurance with entire confidence and we find therein a sufficient guarantee not any longer to delay the adoption of measures intended to prepare for the return of our army."[44]

About the time that the French government announced its intention of withdrawing its forces from Mexico, it was found that troops were being enlisted in Austria for the Mexican "foreign legion." The United States government at once took measures to prevent the French troops from being replaced by Austrians by declaring to the Austrian government,

[43] H. Ex. Doc. No. 93, p. 42, Thirty-ninth Cong., First Sess.

[44] H. Ex. Doc. No. 93, p. 42, Thirty-ninth Cong., First Sess.

through Mr. Motley, "that in the event of hostilities being carried on hereafter in Mexico by Austrian subjects, under the command or with the sanction of the government of Vienna, the United States will feel themselves at liberty to regard those hostilities as constituting a state of war by Austria against the republic of Mexico; and in regard to such war, waged at this time and under existing circumstances, the United States could not engage to remain as silent and neutral spectators." [45]

Mr. Motley seems to have been somewhat surprised and puzzled at the sudden and emphatic change of tone in the instructions of his government, and failed to carry them out in the spirit intended by Mr. Seward. This brought forth a sharp reprimand. Mr. Seward expressed his strong disapproval of the position taken by Mr. Motley in his communication of the instructions of the department to the Austrian government, and directed him to carry out his instructions according to the strict letter, adding: "I refrain from discussing the question you have raised, 'Whether the recent instructions of this department harmonize entirely with the policy which it pursued at an earlier period of the European intervention in Mexico.'"

Mr. Motley was instructed to withdraw from Vienna in case troops were sent from Austria to Mexico. The embarkation of troops for this purpose was stopped. Austria was in a great state of excitement over the approaching war with Prussia, and, besides, needing all her available troops at home, did not care to antagonize the United States.

[45] Wharton's Digest, Sec. 58, Vol. I, p. 328.

It was now a question of great interest in this country and in Europe, whether Maximilian would withdraw from Mexico with the French troops or attempt to maintain himself there without foreign support. Napoleon sent one of his aides to Mexico to make known his intentions to Maximilian. This fact was communicated to the United States government, October 16, 1866: "Mr. de Castelnau has for his mission to make it well understood that the limit of our sacrifices is reached and that if the Emperor Maximilian, thinking to find in the country itself a point of sufficient support, may wish to endeavor to maintain himself there, he cannot for the future count on any succor on the part of France. But it may happen that, deeming it impossible to triumph through his own resources over the difficulties which surround him, this sovereign may determine to abdicate. We will do nothing to dissuade him from this, and we think that on this hypothesis there would be ground to proceed, by way of election, in the establishment of a new government." [46]

When the time came for the withdrawal of the first contingent of French troops, no action to that end was taken by the French government, and the United States had once more to seek an explanation. The emperor assured the American government, however, that he had decided from military considerations to withdraw all his troops in the spring in a body, as the recent successes of the insurgents would render any large reduction of his forces perilous to those who remained. He further stated that he had counselled Maximilian to abdicate.[47] To the surprise of

[46] Dipl. Corr., 1866, Part I, p. 387.
[47] H. Ex. Doc. No. 30, Fortieth Cong., First Sess.

everyone, however, Maximilian seemed to think that honor demanded that he should remain in Mexico and share the fate of his supporters.

After the withdrawal of Mr. Corwin, owing to the unsettled state of affairs in Mexico, the United States had no one accredited to that government until May, 1866, when Mr. Lewis D. Campbell, of Ohio, was appointed. He left New York for his post in November, 1866, accompanied by Lieutenant-General William T. Sherman of the army. They proceeded in the U. S. S. *Susquehanna* by way of Havana, but as they found the principal ports on the Atlantic still occupied by the French, they proceeded to New Orleans, from which point Mr. Campbell tried to establish regular communication with President Juarez. The President had first decided to dispatch General Grant with Mr. Campbell, in the hope "that some disposition might be made of the land and naval forces of the United States without interfering within the jurisdiction of Mexico, or violating the laws of neutrality, which would be useful in favoring the restoration of law, order and republican government in that country." This demonstration was intended to insure the withdrawal of the French army according to the promises of the Emperor. A hitch occurred through some question raised by General Grant and General Sherman was substituted.[48]

The French army was withdrawn in the spring of 1867, and it very soon became evident that Maximilian's cause would speedily collapse. In view of the almost inevitable capture of Maximilian, Mr. Seward telegraphed to Mr. Campbell at New Orleans,

[48] Dipl. Corr., 1866, Part III.

April 6, 1867: "You will communicate to President Juarez, promptly and by effectual means, the desire of this government, that in case of capture, the prince and his supporters may receive the humane treatment accorded by civilized nations to prisoners of war." Some of the prisoners already taken had been summarily executed.

Mr. Campbell at once dispatched a special messenger, who succeeded in getting through to the headquarters of Juarez, and who returned with an answer from the Mexican government, dated April 22, 1867. This answer not only undertook to defend the execution of prisoners above referred to, but also intimated that similar severity would be practiced on Maximilian and his leading associates, if captured, on the ground that, by his harsh decrees, he had placed himself beyond the pale of the law of nations.[49]

Maximilian and his chief supporters were taken prisoners, May 15, 1867. This information was received in the United States towards the last of the month, and along with it a report, not well authenticated and which afterwards proved to be false, that they had been executed on the 16th. As soon as these rumors reached Washington, Mr. Seward telegraphed to Mr. Campbell, then at New Orleans, June 1, 1867, directing him to proceed at once to the residence of the President of Mexico and enter on his mission, and if necessary to urge clemency to Maximilian and the other prisoners of war. Mr. Campbell failed to act under these instructions. He requested first that a public vessel of the United States should be detailed to carry him to Mexico. When it was

[49] Dipl. Corr., 1866, Part III.

found that no ship was available for this purpose, he was ordered to proceed to Havana and thence by the British or French line of steamers to Vera Cruz. He replied that under the circumstances he did not think it becoming the dignity of the representative of the United States to return to Mexico under the flag of a nation which had shown such hostility to that country. He thus remained at New Orleans from the first to the fifteenth of June. He was then ordered peremptorily to proceed at once according to instructions. He replied that he was ill and was afraid to go by way of Havana, where yellow fever was raging; that he would resign, if desired. The same day Mr. Seward telegraphed him that his resignation would be accepted.

Mr. Seward then informed Mr. Romero, the Mexican minister at Washington, that Austria, France and Great Britain had appealed to the United States to use its good offices to avert the execution of Prince Maximilian. He strongly recommended clemency to President Juarez, as good policy, and requested Mr. Romero to make the same known to his government at once. This was June 15, the same day that Mr. Campbell's resignation was accepted. On the 21st, Mr. Seward requested Mr. Romero to inform President Juarez that the Emperor of Austria would restore Maximilian to all his rights of succession upon his release and renouncing forever all projects in Mexico.[50]

Meanwhile Maximilian of Hapsburg, Miguel Miramon, and Tomas Mejia had been tried by court-martial and sentenced to death, June 14. The sentence was confirmed by the government on the 15th,

[50] Sen. Ex. Doc. No. 20, Fortieth Cong., First Sess.

and the execution fixed for the 16th, but at the request of Maximilian's counsel, it was suspended by order of President Juarez until the 19th, in order to allow the prince to arrange certain business affairs of a private character.

At seven o'clock on the morning of June 19 the prisoners were shot. Thus ended an episode, which proved to be a tragedy for a high-born European prince, which brought discredit and loss of prestige on the government of Napoleon, but which reaffirmed and strengthened the stability of republican institutions in the new world.

CHAPTER VI

The Present Status of the Monroe Doctrine

In the foregoing chapters we have briefly discussed the origin and several of the most important applications of the Monroe Doctrine. There remain, however, certain interpretations of that principle which require special consideration before passing on to a discussion of its present status. Of the various appeals that have been made to the Monroe Doctrine since its first enunciation, some may be regarded as unwarranted extensions and others as natural developments of the original declaration. The public policy of a state develops just as truly as the law of a state develops, and it is a characteristic of all law, but of Anglo-Saxon law in particular, that it is at any given time what it is then understood to be and not what it was originally intended to be. While the Monroe Doctrine has, with the lapse of years, become more widely extended in its application than its authors ever contemplated, its limitations have at the same time become more clearly defined and there has been a decided gain, especially of late, in the precision with which the rule has been interpreted and applied.

The first step in the development of the doctrine was taken less than two years after the original declaration, when, in October, 1825, Mr. Clay, acting under the direction of President John Quincy Adams, the reputed author of the doctrine, notified the French

government that we could not consent to the occupation of Cuba and Porto Rico "by any other European power than Spain under any contingency whatever."[1] Similar declarations were made to the other European powers, the occasion being the fear that Spain would transfer her sovereignty over these islands to some other government.

President Monroe had declared that the American continents were closed to colonization from Europe, meaning by colonization very probably, as Professor J. B. Moore says, "the acquisition of title to territory by original occupation and settlement."[2] He had made no declaration against the transfer of sovereignty in America from one European power to another. In fact he positively renounced any such idea, when he said: "With the existing colonies or dependencies of any European power we have not interfered, and shall not interfere." Here then within two years we have a distinct advance upon the position taken by President Monroe. Yet this advanced ground was held by succeeding administrations, until President Grant could say in the case of the same islands in his first annual message: "These dependencies are no longer regarded as subject to transfer from one European power to another. When the present relation of colonies ceases, they are to become independent powers, exercising the right of choice and of self-control in the determination of their future condition and relations with other powers."[3] And Mr. Hamilton Fish, whose authority on most questions carries great weight with some of the severest critics of the Monroe

[1] Am. St. Papers, For. Rel., Vol. V, 855; also Wharton's Digest, Sec. 60, Vol. I, p. 367. [2] Pol. Sci. Quart., Vol. II.
[3] Messages and Papers of the Presidents, Vol. VII, p. 32.

Doctrine, said a few months later that the President had but followed "the teachings of all our history" when he made the statement.[4]

The interpretation of the Monroe Doctrine which has probably provoked most criticism was that put upon it by President Polk in his message of April 29, 1848, in which he recommended the military occupation of Yucatan in order to prevent its passing into the hands of some European power. Yucatan was a state of the Mexican republic which had attained to a position of semi-independence during the war between that country and the United States and had been regarded by the latter to a considerable extent, as neutral territory. The Indians of Yucatan were waging a war of extermination against the whites, and the latter appealed to the United States government for protection, offering in return to transfer to it the "dominion and sovereignty of the peninsula." Similar appeals upon the same conditions were made to Great Britain and Spain. President Polk, in a special message to Congress, said: "Whilst it is not my purpose to recommend the adoption of any measure with a view to the acquisition of the 'dominion and sovereignty' over Yucatan, yet, according to our established policy, we could not consent to a transfer of this 'dominion and sovereignty' either to Spain, Great Britain, or any other European power. In the language of President Monroe in his message of December, 1823: 'We should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.'"[5]

[4] Foreign Relations, 1870, pp. 254-260.
[5] Messages and Papers of the Presidents, Vol. IV, p. 581.

This presentation of the case was not only a reaffirmation but also an extension of both clauses of Monroe's declaration. In the colonization clause President Monroe had had in mind the acquisition of unoccupied territory, while in the one against intervention in American states he had meant forcible intervention, or "any interposition for the purpose of oppressing them, or controlling in any other manner their destiny." But according to President Polk an American state could not be allowed voluntarily and of its own free will to offer its sovereignty and dominion to a European power. Fortunately the whites and Indians of Yucatan made peace before the question went much further.

One of the most interesting episodes in the history of this affair was Calhoun's speech in the Senate on the Monroe Doctrine, he having been a member of President Monroe's cabinet at the time the message was written. He went fully into the circumstances under which the declarations of President Monroe were framed—the combination of European powers and the dangers that threatened America. "They were declarations—nothing more; declarations announcing in a friendly manner to the powers of the world that we should regard certain acts of interposition of the allied powers as dangerous to our peace and safety; interposition of European powers to oppress the republics which had just arisen upon this continent, as manifesting an unfriendly disposition, and that this continent, having become free and independent, was no longer the subject of colonization by European powers. Not one word in any one of them in reference to resistance. There is nothing said of it, and with

great propriety was it omitted. . . . Whether you will resist or not, and the measure of your resistance—whether it shall be by negotiation, remonstrance, or some intermediate measure, or by a resort to arms—all this must be determined and decided on the merits of the question itself. This is the only wise course. We are not to have quoted on us, on every occasion, general declarations to which any and every meaning may be attached. There are cases of interposition where I would resort to the hazard of war with all its calamities. Am I asked for one? I will answer. I designate the case of Cuba."[6] Like all other statements made in the heat of debate, this was of an *ex parte* nature and should be received with due measure of allowance. In spite, however, of Calhoun's disparagement of the doctrine as such, he admitted the principle when he acknowledged that we would consider the extension of European influence on this continent as dangerous in certain cases and would be justified in going the full length to check it.

President Polk's interpretation of the Monroe Doctrine was not put into actual force by him and at no other time has the executive assumed such a position. The nearest approach to it was a mild protest in 1882 against the contemplated cession of territory by Uruguay to Brazil in payment of debt. The United States has never questioned the right of the Brazilians to establish and maintain an empire on this continent; but in regard to the extension of Brazilian imperial influence, Mr. Frelinghuysen declared: "While the United States wish not to encourage any nation in making default in the payment of its debts, this gov-

[6] Wharton's Digest, Sec. 57, Vol. I, p. 286.

ernment would be reluctant to see a republic which has a large bonded debt so hand over its territory to a monarchy that the government of the same would cease to be republican."[7] Brazil is no longer an empire, so complications of this kind will not occur in the future.

Not only has the United States opposed the acquisition of territory and political power on the part of European powers in America, but even the reference of purely American questions to European arbitration. That "American questions are for American decision" is now a well-established rule of American diplomacy. It was on this ground that the United States in the war between Chile and Peru refused to enter into negotiations with Great Britain and France, in 1881, for the purpose of joint intervention for the restoration of peace.[8]

Where the question at issue is between a European and an American power, the United States has usually tendered its good offices but it countenances arbitration by a European power.[9] In such questions the United States has repeatedly taken the initiative in invoking the good offices of European powers in favor of conciliation.[10]

In a dispute between an American and a European state the United States recognizes the right of the latter to wage war for all lawful ends and to determine for itself what it considers a *casus belli*, but the war

[7] Frelinghuysen to Osborn, July 22, 1882. Foreign Relations.

[8] Blaine to Morton, Sept. 5, 1881.

[9] See Venezuelan settlement, post.

[10] See Seward to Adams and to Dayton in Dipl. Corr., 1864, in case of the war between Spain and Peru.

must not be converted into a war of conquest, such as the expedition of Napoleon III. against Mexico.

The United States has upon more than one occasion opposed the enforcement of what it considered an unjust claim against an American republic. In this connection the Pelletier claim against Hayti is especially in point. Secretary Bayard resisted the enforcement of this claim in the most emphatic language. He said: "The United States has proclaimed herself the protector of this western world, in which she is by far the stronger power, from the intrusion of European sovereignties. She can point with proud satisfaction to the fact that over and over again has she declared effectively that serious indeed would be the consequences if European hostile foot should, without just cause, tread those states in the new world which have emancipated themselves from European control. She has announced that she would cherish as it becomes her the territorial rights of the feeblest of those states, regarding them not merely as in the eye of the law equal to even the greatest of nationalities, but in view of her distinctive policy as entitled to be regarded by her, as the objects of a peculiarly gracious care." This utterance of Mr. Bayard was quoted at length by Mr. Olney in his celebrated dispatch to Lord Salisbury of July 20, 1895.

The policy of the United States in reference to arbitration of American questions may be summed up as follows:

1. The United States always urges arbitration of disputes affecting American interests.

2. In disputes between American states it insists that they be settled without calling in the aid of European powers.

3. In disputes between an American and a European state the United States usually offers its good offices, but countenances and even encourages reference to a tribunal of arbitration either American or European. The United States has even gone so far as to force arbitration on a European power, which refused to adjust its differences with an American state except on its own terms. This was the course adopted by President Cleveland in the celebrated Venezuelan boundary dispute.

The Venezuelan question called forth the most positive and far-reaching assertion of the Monroe Doctrine ever made. The dispute between Great Britain and Venezuela in regard to the boundary line between the latter and British Guiana was of long standing. In 1814, by treaty with the Netherlands, Great Britain acquired "the establishments of Demerara, Essequibo, and Berbice," now known as British Guiana. From that time on the boundary line between British Guiana and Venezuela was a matter of dispute. Venezuela always claimed the line of the Essequibo river.

In 1840, Sir Robert Schomburgk, acting under the instructions of the British government, established a line some distance to the west of the Essequibo river and marked it by monuments on the face of the country. Venezuela at once protested. The British government explained that the line was only tentative and the monuments set up by Schomburgk were removed.

Various other lines were from time to time claimed by Great Britain, each one extending the frontier of British Guiana farther and farther to the west. The British Colonial Office List, a government publication,

in the issue for 1885, put the area of British Guiana at about 76,000 square miles. In the issue of the same list for 1886 the same statement occurs in reference to British Guiana with the change of area to "about 109,000 square miles." Here was a gain of 33,000 square miles without any statement whatever in explanation of how this additional territory had been acquired.

After the failure of repeated efforts on the part of Venezuela to secure an adjustment with England, she finally came to the conclusion in 1882 that the only course open to her was arbitration of the controversy. She persistently urged arbitration, but Great Britain refused to submit to arbitration any but a comparatively small part of the territory in dispute.

In 1887 Venezuela suspended diplomatic relations with Great Britain, protesting "before her British majesty's government, before all civilized nations and before the world in general, against the acts of spoliation committed to her detriment by the government of Great Britain, which she at no time and on no account will recognize as capable of altering in the least the rights which she has inherited from Spain and respecting which she will ever be willing to submit to the decision of a third power."

After repeated efforts to promote the re-establishment of diplomatic relations between Venezuela and Great Britain and after repeated offers of its good offices for the purpose of bringing about an adjustment of the controversy, the United States government finally determined to intervene in a more positive manner with a view to forcing, if need be, a settlement of the controversy. This resolution on the part of the

American government and a full statement of its views on the general principles involved in the dispute were forwarded to Mr. Bayard for transmission to the British government in Mr. Olney's dispatch of July 20, 1895[11] After reviewing the history of the controversy Mr. Olney stated in the following concise form what he considered the important features of the situation as it then existed:

1. "The title to territory of indefinite but confessedly very large extent is in dispute between Great Britain on the one hand and the South American republic of Venezuela on the other.

2. "The disparity in the strength of the claimants is such that Venezuela can hope to establish her claim only through peaceful methods—through an agreement with her adversary either upon the subject itself or upon an arbitration.

3. "The controversy, with varying claims on the part of Great Britain, has existed for more than half a century, during which period many earnest and persistent efforts of Venezuela to establish a boundary by agreement have proved unsuccessful.

4. "The futility of the endeavor to obtain a conventional line being recognized, Venezuela for a quarter of a century has asked and striven for arbitration.

5. "Great Britain, however, has always and continuously refused to arbitrate, except upon the condition of a renunciation of a large part of the Venezuela claim and of a concession to herself of a large share of the territory in controversy.

6. "By the frequent interposition of its good offices at the instance of Venezuela, by constantly urging and

[11] For. Rel., 1895-96, Part I, p. 552.

promoting the restoration of diplomatic relations between the two countries, by pressing for arbitration of the disputed boundary, by offering to act as arbitrator, by expressing its grave concern whenever new alleged instances of British aggression upon Venezuelan territory have been brought to its notice, the government of the United States has made it clear to Great Britain and to the world that the controversy is one in which both its honor and its interests are involved and the continuance of which it cannot regard with indifference."

The greater part of the dispatch was taken up with a discussion of the bearing of the Monroe Doctrine upon the case and the most striking feature of it was that the Monroe Doctrine was appealed to by name. Mr. Olney's statement of the Monroe Doctrine is worthy of the most careful consideration as it is the fullest and most definite official construction of its meaning and scope that has been given to the world. He said: "That America is in no part open to colonization, though the proposition was not universally admitted at the time of its first enunciation, has long been universally conceded. We are now concerned, therefore, only with that other practical application of the Monroe Doctrine the disregard of which by an European power is to be deemed an act of unfriendliness towards the United States. The precise scope and limitations of this rule cannot be too clearly apprehended. It does not establish any general protectorate by the United States over other American states. It does not relieve any American state from its obligations as fixed by international law, nor prevent any European power directly interested from en-

forcing such obligations or from inflicting merited punishment for the breach of them. It does not contemplate any interference in the internal affairs of any American state or in the relations between it and other American states. It does not justify any attempt on our part to change the established form of government of any American state or to prevent the people of such state from altering that form according to their own will and pleasure. The rule in question has but a single purpose and object. It is that no European power or combination of European powers shall forcibly deprive an American state of the right and power of self-government and of shaping for itself its own political fortunes and destinies."

Lord Salisbury's reply to Mr. Olney was given in two dispatches of the same date, November 26, 1895, the one devoted to a discussion of the Monroe Doctrine, the other to a discussion of the rights of the controversy as between Great Britain and Venezuela. In the first dispatch Lord Salisbury argues that Mr. Olney's views go far beyond the scope of the Monroe Doctrine. That no attempt at colonization was being made and that no political system was being imposed upon any state of South America. He then denies that the Monroe Doctrine is a part of international law, on the ground that it has not received the consent of other nations, and he utterly repudiates Mr. Olney's principle that "American questions are for American discussion."

In the second dispatch of the same date Lord Salisbury enters fully into the rights of the controversy between Great Britain and Venezuela, controverting the arguments of the earlier part of Mr. Olney's dispatch, which he characterizes as *ex parte*.

In view of the very positive character of Mr. Olney's dispatch and of the assertion that the honor and interests of the United States were concerned, the refusal of Great Britain to arbitrate placed the relations of the two countries in a very critical position. The American executive, however, had intervened for the purpose of settling the controversy, peaceably if possible, forcibly if need be, and President Cleveland did not now shrink from the logic of events. In a message to Congress, December 17, 1895,[12] he laid before that body Mr. Olney's dispatch of July 20, together with Lord Salisbury's reply. He not only reaffirmed the soundness of the Monroe Doctrine and its application to the case in question, but claimed for that principle of American diplomacy a place in the code of international law.

In regard to the applicability of the Monroe Doctrine to the Venezuelan boundary dispute Mr. Cleveland declared:

"If a European power by an extension of its boundaries takes possession of the territory of one of our neighboring republics against its will and in derogation of its rights, it is difficult to see why to that extent such European power does not thereby attempt to extend its system of government to that portion of this continent which is thus taken. This is the precise action which President Monroe declared to be 'dangerous to our peace and safety,' and it can make no difference whether the European system is extended by an advance of frontier or otherwise."

In regard to the right of the United States to de-

[12] Messages and Papers of the Presidents, Vol. IX, p. 655.

mand the observance of this principle by other nations, Mr. Cleveland said:

"Practically the principle for which we contend has peculiar, if not exclusive, relation to the United States. It may not have been admitted in so many words to the code of international law, but since in international councils every nation is entitled to the rights belonging to it, if the enforcement of the Monroe Doctrine is something we may justly claim, it has its place in the code of international law as certainly and as securely as if it were specifically mentioned; and when the United States is a suitor before the high tribunal that administers international law the question to be determined is whether or not we present claims which the justice of that code of law can find to be right and valid. The Monroe Doctrine finds its recognition in those principles of international law which are based upon the theory that every nation shall have its rights protected and its just claims enforced."

Mr. Cleveland concluded that the dispute had reached such a stage as to make it incumbent upon the United States to take measures to determine with sufficient certainty for its justification what was the true divisional line between the republic of Venezuela and British Guiana. He therefore recommended that Congress make an appropriation for the expenses of a commission, to be appointed by the executive, which should make the necessary investigations and report upon the matter with the least possible delay. "When such report is made and accepted," he continued, "it will, in my opinion, be the duty of the United States to resist by every means in its power, as a willful aggression upon its rights and interests, the appropria-

tion by Great Britain of any lands or the exercise of governmental jurisdiction over any territory which after investigation we have determined of right belongs to Venezuela." "In making these recommendations," he added, "I am fully alive to the responsibility incurred and keenly realize all the consequences that may follow."

The publication of this message and the accompanying dispatches created the greatest excitement both in the United States and in England, and called forth the severest criticism of the President's course.

The main grounds of this criticism were the contentions:

(1) That the Monroe Doctrine was not a part of international law and therefore its observance as such could not be urged upon other nations.

(2) That it was not even an established principle of American diplomacy, since the original declaration was merely a protest against apprehended aggression on the part of a combination of European powers which had long since ceased to threaten this continent.

(3) That even granting that the Monroe Doctrine were a declaration of American policy, it was merely a policy and imposed no obligation on the government to enforce it except where our interests were directly concerned.

(4) That the occupation of a few thousand acres of uninhabited territory by Great Britain, even if it did rightfully belong to Venezuela, was not a matter that affected the interests of the United States one way or the other or that threatened the permanence or stability of American institutions.

(5) That granting the wisdom and correctness of

the President's position, the language of his message and of Mr. Olney's dispatch was indiscreet at best and unnecessarily offensive to British pride.

It may be well to consider these objections in detail. In regard to the first point it may be said that neither President Cleveland nor Mr. Olney asserted or maintained that the Monroe Doctrine was a part of international law by virtue of its assertion by President Monroe and succeeding presidents. The position they took was that the Monroe doctrine was an American statement of a well-recognized principle of international law, viz., the right of a state to intervene in a controversy between other states, when it deems its own interests threatened. Mr. Cleveland declared: "The Monroe Doctrine finds its recognition in those principles of international law which are based upon the theory that every nation shall have its rights protected and its just claims enforced."

Mr. Olney's analysis of the doctrine was clearer and more specific. He said: "That there are circumstances under which a nation may justly intervene in a controversy to which two or more other nations are the direct and immediate parties is an admitted canon of international law." After discussing the general principle of intervention, he adds: "We are concerned at this time, however, not so much with the general rule as with a form of it which is peculiarly and distinctively American."[13]

In answer to the second objection it is only necessary to refer to accepted works on public law and to the official correspondence of the state department to show that the Monroe Doctrine has for three quarters

[13] Olney to Bayard, July 20, 1895.

of a century been the cardinal principle of American diplomacy.[14]

The third point, namely as to the expediency of enforcing the Monroe Doctrine in all cases of European aggression on this continent, raises an important question. If, however, the Monroe Doctrine is a wise principle and one which it is our interest to maintain, it is right that it should be asserted on every occasion of its violation. The force of precedent is so great that in the present state of international law, it would be dangerous to do otherwise.

In the fourth place while it was perfectly true that the occupation of the disputed territory by Great Britain could not in itself conceivably endanger the peace and integrity of the United States, yet as the open violation of a principle upon which we have laid so much stress we could not in honor and dignity have overlooked it.

As to the tone of Mr. Olney's dispatch and of Mr. Cleveland's message, it must be acknowledged that while the positions assumed were in the main correct, the language was in some cases unfortunate, either from its vagueness or generalization. Thus Mr. Olney's statement, that " 3000 miles of intervening ocean make any permanent political union between a European and an American state unnatural and inexpedient,"—whatever he may have meant by it—appears

[14] See in particular Wharton's Digest, Sec. 57 ff.; also Mr. Fish's Report on Relations with the Spanish-American Republics, July 14, 1870, and Mr. Frelinghuysen's dispatch to Mr. Lowell of May 8, 1882 (found on pp. 305 and 150 respectively of the Collected Correspondence rel. to the Proposed Canal, the Clayton-Bulwer Treaty and the Monroe Doctrine).

in view of Great Britain's connection with Canada, to have been both untrue and calculated to give offence. Likewise Mr. Cleveland's reference to "the high tribunal that administers international law" was too rhetorical a figure for a state paper.

It has, indeed, been suggested that President Cleveland and Mr. Olney deliberately undertook to play a bluff game in order to browbeat the British government. In any case, it should be remembered that the test of a diplomatic move is its success, and judged from this standpoint Mr. Cleveland's Venezuelan policy has been vindicated by the results. The British government at once adopted the most friendly attitude and placed valuable information in its archives at the disposal of the commissioners appointed by President Cleveland to determine the true boundary line. On the 12th of November, 1896, before the final report of this commission was made, a complete accord was reached between Great Britain and the United States by which the terms of a treaty to be ratified by Great Britain and Venezuela were agreed on, the provisions of which embraced a full arbitration of the whole controversy.

This proposed treaty provided that an arbitral tribunal should be immediately appointed to determine the true boundary line between Venezuela and British Guiana. This tribunal was to consist of two members nominated by the judges of the Supreme Court of the United States and two members nominated by the British Supreme Court of Justice and of a fifth selected by the four persons so nominated, or in the event of their failure to agree within three months of their appointment, selected by the king of Sweden and Nor-

way. The person so selected was to be president of the tribunal, and it was expressly stipulated that the persons nominated by the Supreme Courts of the United States and England respectively might be members of said courts. Certain general rules were also laid down for the guidance of the tribunal.[15]

A treaty embodying substantially these proposals was signed by the British and Venezuelan representatives at Washington, February 2, 1897.[16]

The establishment of President Cleveland's contention in the face of British opposition constitutes a precedent, the weight of which will doubtless prove decisive in the future. A large part of the criticism which the Venezuelan policy called forth in the United States was merely the effervescence of narrow partisanship. The present administration has taken its stand unequivocally on the Monroe Doctrine. Our participation with the powers of Europe in the deliberations of the recent Peace Conference at The Hague was taken by many Americans to mark the end of the old order and the introduction of a new era in American diplomacy, but contrary to their expectations, this meeting was made the occasion for the most emphatic and effective declaration of our adherence to the principles of both the Farewell Address and of the Monroe Doctrine that has ever been made to the whole body of European nations. Before

[15] Foreign Relations, 1896, p. 254.

[16] The decision of the Venezuelan Tribunal which met at Paris appears to be in the nature of a compromise. Venezuela's claim was not fully established. This fact is of very secondary importance. The principle for which the United States contended was vindicated when the arbitration treaty was signed.

the treaty was adopted, the following declaration on the part of the commissioners of the United States was read by the secretary of the conference, and the treaty was signed by the American delegation under the express reservation of this declaration: "Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions or internal administration of any foreign state; nor shall anything contained in the said convention be so construed as to require the relinquishment by the United States of America of its traditional attitude toward purely American questions." [17]

The Monroe Doctrine properly interpreted, namely, as a declaration against the interference of European powers in the political concerns of the independent states of this continent, has received the almost unanimous sanction of American statesmen of all shades of political belief for the past three-quarters of a century. Numerous cases have arisen, it is true, where there was a wide divergence of opinion as to whether this principle was really involved. But that this principle, whether it be regarded as a part of international law or as a mere declaration of policy, was founded in wisdom and prudence, and is still the safest guide in our relations with Europe, will hardly be gainsaid.

The acquisition of the Philippines and the prospect of their permanent retention by the United States have

[17] See President McKinley's Message of December 5, 1899. Also article by Frederick W. Holls on *The Peace Conference and the Monroe Doctrine* in the American Monthly Review of Reviews for Nov., 1899.

raised questions of deep significance as to the effect of this *expansion* movement upon our historic policy of political isolation. The Monroe Doctrine has been dragged to the front in this controversy and placed as a bulwark against expansion in the Pacific. It should be remembered, however, that the Monroe Doctrine is only one side of our traditional policy of isolation. Our national policy has from the days of Washington and Jefferson been one of aloofness. We have succeeded in a remarkable degree in keeping ourselves free from entangling alliances. This policy has characterized our dealings not only with European but even with American nations. We have acknowledged no obligations in international relations but the established principles of international law and the dictates of a common humanity. "Friendly relations with all nations, entangling alliances with none" has been the key-note of our diplomacy. It will be readily seen that this principle is wholly different from that enunciated by President Monroe. The one laid down in Washington's Farewell Address, imposes a wise restraint on ourselves, the other imposes a restraint on the action of European powers in regard to America. As Mr. Olney has stated with his characteristic clearness and precision, the Monroe Doctrine is the logical outcome of the Farewell Address. "American non-intervention in Europe implied European non-intervention in America." Both principles were protests against intervention in the domestic concerns of independent states and both principles were limited in their application to the relations between the states of Europe on the one hand and the states of America on the other. Further than this,

the reason and justification for this separation of the political spheres of Europe and America were to be found in the recent dissolution of the ties that had from their birth held the American communities in an unequal bond with the states of the old world. Full emancipation meant the absolute severance of all political ties with Europe. On no other conditions could an independent political development have been insured.

These principles founded in the wisdom of our early statesmen and established by the experience of succeeding generations seem at last to have been acquiesced in by the European powers themselves. From the standpoint of political expediency it seems unlikely that they will be seriously combated in the future. The principle of nationality has received a wonderful impetus during the present century and especially during the last half. The national state with its ethnic and territorial unities has become too firmly established as the normal form of political organization to be seriously endangered by military conquest from without. Interference in the internal affairs of one state by other states, such as was common during the early years of this century, is now almost out of the question. Intervention in civilized states merely for purposes of conquest, or in the interests of a political system, would hardly be countenanced by the great powers of the present.

With the uncivilized portions of the earth the case is altogether different. There, intervention is still the order of the day. The activities of the great nations of the world in matters affecting their foreign relations have largely been transferred from the domestic to the colonial field. The recent opening up of the

East has discovered a new sphere of political activity. The colonial development of European powers during the past twenty-five years is one of the most remarkable movements of modern times. About half the earth's surface is now held in protectorate by the civilized nations. The great powers of the earth have taken up the burden of civilizing and enlightening the non-progressive races, and the United States has not resisted the most widely extended movement of the age. That this so-called policy of expansion is radical and novel for us will not be seriously denied. That it is attended with more than ordinary danger will be admitted even by its most enthusiastic supporters. As to the character of that danger, opinions will be found to differ. Those who are best able to form an opinion seem to agree that the greatest danger will come not from entanglements with other nations, but from the reaction upon our domestic institutions due to the adoption in the field of colonial government of the principle that government rests on force rather than on the consent of the governed. This apprehension may or may not be real. Time alone will prove.

It is readily conceivable that the permanent occupation of the Philippines may force us, from time to time, into temporary alliances with one or more powers of Europe, and thus cause a break from our traditional policy, but that the new policy upon which we have entered will lead to a disturbance of the existing principle which governs the political relations of Europe and America in their domestic spheres does not by any means follow. There seems a marked tendency already on the part of the powers of Europe to differentiate colonial questions from the questions

which more intimately concern domestic politics. That we will be compelled to take a hand in the politics of the East seems probable, and the wisdom of placing ourselves in such a position may very well be questioned, but that this will give us a right to interfere in the domestic concerns of any European state, or give any European state a pretext for interfering in the domestic concerns of any state on this continent cannot logically be maintained. If we should interfere in, or in any way be a party to a question concerning the internal politics of Europe, we could not hope to prevent the interference of Europe in America, but now that the United States is in a position to make her weight felt in the councils of the nations, it will be to the interests of European powers to keep us out of purely European disputes, just as it has been our interest in the past to keep them out of purely American questions. It may be safely predicted that the time will come when Europe will remind us of the Monroe Doctrine and not we Europe. This prophecy is foreshadowed in a recent utterance of the British Prime Minister. Lord Salisbury's own words implied a full admission of the Monroe Doctrine. In a public address he said: "For several years our relations with and cordial feelings toward our kinsmen on the other side of the Atlantic have been constantly growing, and though neither we interfere in the affairs of their continent nor they interfere in the affairs of ours, we feel we can now always look for sympathy and a fair hearing among those who share with us so vast a mission for the advancement of mankind." [18]

[18] Baltimore Sun, Nov. 10, 1899.

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